COPY

PETITION NOT PRINTED

VOLUME I

TRANSCRIPT OF RECORD

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1960

No. 161

ARTHUR CULOMBE, PETITIONER

vs.

CONNECTICUT

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF ERRORS OF THE STATE OF CONNECTICUT

PETITION FOR CERTIORARI FILED MAY 12, 1960

CERTIORARI GRANTED JUNE 20, 1960

State of Connecticut

Supreme Court of Errors

HARTFORD COUNTY

OCTOBER TERM, 1958

4717

STATE OF CONNECTICUT

vs.

JOSEPH L. TABORSKY

and

ARTHUR CULOMBE

JOINT APPENDIX OF APPELLANTS AND APPELLEE

VOLUME 1 OF 3

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MAY 8, 1957 - 12:00 P.M.

CATHERINE M. HEALEY, having been previously duly sworn, was examined and testified as follows:

BY THE COURT:

Q. Come right up here and sit down, if you will. Now, Mrs. Healey, how long have you lived in West Hartford? A. Fifteen years.

Q. I hear you all right, but I want all these gentlemen to hear you too. Where did you live before you lived in West Hartford? A. In Hartford.

Q. Are you married, Mrs. Healey? A. No, I am not.

Q. Then it's Miss Healey? A. Yes.

Q. I am sorry. Have you had any prior jury service? A. No. Grand Jury, but not trial.

Q. Where was the Grand Jury service? A. Right here.

Q. In Hartford? A. Yes.

Q. How long ago was that? A. Last year.

Q. Do you remember the name of the case? A. They were the two that were tried on the last one - that murder on State Street.

Q. Do you remember the name? The facts won't help me to remember the name of the case or fix the time. A. I can't - I have gone blank.

Q. Is there or was there anything in that experience that would prevent you from bringing in a fair verdict if you were selected for the jury in this case - based entirely on the evidence you would hear here and the instruction of the Court? A. I don't think so.

Q. What is your occupation, Miss Healey? A. I am retired.

Q. And before you retired? A. I was a bookkeeper at Travelers.

Q. In what department? A. Roll taker.

Q. Have you ever been involved in a criminal proceeding, either as a complainant, or an accused or as a witness or otherwise, other than for a traffic violation - other than the Grand Jury proceedings you spoke of?
A. No.

Q. Or any member of your family so far as you know? A. No.

Q. Now, Miss Healey, the law of our state provides that in a case of this kind and in others, but we are only concerned with this one now, that the jury determines what the facts are from the evidence that is presented here in court and under the law as it is given by the Court, but it is the duty of the jurors and it will be your duty if you are selected as a juror, to take the law governing this case from the Court. Would you have any hesitation in doing that? A. I don't think so, no.

MR. BURKE: May I have that answer?

(The Reporter read the answer)

THE WITNESS: I said no.

THE COURT: I don't mean to insinuate that Mr. Burke's hearing is worse than ours, but speak up so he can hear you.

Q. If I were to charge you that the law of this state was that these accused are presumed to be innocent as they stand here for trial of the crime with which they are charged unless and until the State proves beyond a reasonable doubt their guilt, would you be able to follow

those instructions if you were selected as a juror?
A. I don't think I understand.

Q. If you were selected as a juror, and I were to tell you that one of the rules of law governing this case was that these accused are presumed to be innocent of the crime with which they are charged until the State has proved them guilty beyond a reasonable doubt, would you have any hesitation in following that charge? A. No.

Q. You realize, of course, or do you, that that would involve wiping out of your mind or taking into consideration, at least, anything that you might have read or heard or seen on the television or radio with reference to these accused or these cases, and judging them entirely upon the evidence presented here and under the law as I should give it to you. Do you understand that?
A. Yes.

Q. If I should so charge you that if you had any opinion or impression that these accused were not under any burden of producing any evidence to prove them not guilty, but that the State had the burden all through the trial of proving them guilty, would you have any hesitation in following those instructions? A. No.

Q. If I were to charge you that in the event police officers were offered as witnesses on the witness stand in this case, as they probably will be, that the jury, and you as a member of the jury, should test their credibility and determine what weight to give their testimony by the same standards as you would judge the credibility of anyone else, and determine the weight given to the evidence of any body else, would you follow those instructions? A. I would.

Q. Now, if I were to instruct you, as I will, if you are selected as a member of this jury, that the law of our State requires that you should not allow sympathy for these accused or their relatives or for the deceased or any

of their relatives in any way to influence you in arriving at your verdict, would you follow that instruction? A. I would.

Q. If I were to tell you further that prejudice or bias against these accused or the State should not in any way influence you in arriving at your verdict, would you follow those instructions? A. Yes.

THE COURT: Very well.

CROSS EXAMINATION BY MR. BILL

Q. Miss Healey, do you believe in capital punishment? A. Yes, I do.

MR. BILL: That is all.

CROSS EXAMINATION BY MR. McDONOUGH:

Q. Miss Healey, have you looked at or listened to radio or television broadcasts about this case? A. Well, I have listened to some, yes.

Q. Have you been influenced at all by those broadcasts in so far as forming an opinion? A. I don't think so.

Q. Have you an opinion as to the guilt or innocence of these accused? A. Well, outside of their confession.

Q. Well, because you read of their confession? A. Yes.

Q. Because of their confession have you an opinion as to their guilt or innocence? A. Well, of course, I have not heard any of the testimony, but if they confessed that would be the only reason I would say that.

Q. If the Court instructs the jury and you might be a member of the jury that it was not a true confession if it was obtained by force or promises or duress and that it should be rejected by the jury, will you follow the

Court's instructions in considering evidence of force, promises or duress? A. I would, yes.

Q. Now, was that a murder case that you sat on the Grand Jury on? A. Yes, and my mind has gone blank on it.

Q. That isn't important, but that was in Hartford County? A. Yes.

Q. In the Superior Court? A. Yes.

Q. You never had sat on a trial jury? A. No.

Q. The deceased in this case are Edward Kurpiewski, of New Britain, and Daniel J. Janowski of New Britain. Do you know either one of those men? A. No.

Q. Or any of their families? A. No.

Q. Are you acquainted with any of the attorneys in this case? A. No, I am not.

Q. Do you know whether or not you are acquainted with any members of their families? A. No, I am not.

Q. Have you listened or joined in any discussion about this case? A. No, not to amount to anything.

Q. Whatever you have listened to or heard, have you heard people express an opinion as to the guilt or innocence of these accused? A. Yes, I have.

Q. Has that expression of opinion formed an opinion in you? A. Well, as I said before, the only opinion I have is the confession.

Q. That is the only opinion? A. Yes.

Q. And if that was removed, there would be nothing you could base an opinion upon, is that correct? A. That is right.

Q. If you reached a verdict in this case and all the evidence was closed and the Court had instructed the

jury as to the law and you had all the evidence, and on the evidence and on the law as given by the Court, you had reached a conclusion, would you stand by that conclusion even though eleven others were against you, unless they could show you by reason that you were wrong?
A. Yes, I would.

Q. Even though you stood one against eleven, until you were shown otherwise, you would remain on your stand on that verdict? A. Yes.

Q. Are you acquainted with any members of the New Britain Police Department or the State Police Department? A. No.

Q. Have you any relatives - close relatives who are members of either Department? A. No.

Q. I think His Honor inquired of you as to whether or not you would give a Police Officer any more or less credence than that of other witnesses according to our standards of the weight to be given their testimony. Could you do that? A. I would try and be fair.

Q. You would have a standard that would apply to all witnesses, police officers and laymen? A. Yes.

Q. Have you followed this case to any extent, or has it just been another news item? A. Well, I think that would be more like it - it was just a startling news item. I have not followed it closely.

Q. Because of the nature of this case or what you have read and heard about it, has it become so fixed in your mind that you feel that you might have some revulsion against these defendants that would continue with you during the trial of this case, or have you an open mind?
A. Well, I have an open mind.

Q. Your health is well, I hope? A. Yes.

Q. There is nothing to interfere with your serving for three or four weeks on this jury if you are accepted?
A. No, I don't think so.

Q. It may take you that long. There will be no personal inconvenience that would affect your serving?
A. That's right.

Q. How long were you with Travelers? A. Thirty-seven years.

Q. Now, His Honor will instruct the jury as to the law which has to be applied to the facts, and the facts will come from the witness stand. Will you disregard any notion you might presently have as to what the law should be and take the Court's instructions and apply them to the facts? A. Yes.

Q. You have never served on a trial jury?
A. Never

Q. And if His Honor instructs the jury that each of these defendants is presumed to be innocent until proven guilty beyond a reasonable doubt, would you take your place in the jury box with the assumption that they are innocent men until the State has proven them guilty beyond a reasonable doubt? A. Yes.

Q. Now, this case is known as the State of Connecticut against Arthur Culombe and Joseph Taborsky. That is the title of the case. Now, in the English jurisdiction they call it the Crown, and in the United States jurisdiction it is the United States vs. so and so. I will read a bit of philosophy to you concerning a judgment in a criminal case, and I will ask you, if the Court allows you, to tell me whether or not you approve of it:

"The philosophy that prevails in English jurisprudence, namely, that the Crown never wins and the Crown never loses in a criminal case is the true philosophy of criminal justice. When the liberty of an Englishmen is preserved,

the Crown wins, and the philosophy should be applicable to our American criminal courts, for the government never really wins or loses a case. It is just as important to the government to preserve the liberty of the innocent as it is to convict the guilty." Do you agree with that philosophy? A. Yes, I do.

MR. McDONOUGH: That is all.

CROSS EXAMINATION BY MR. BURKE:

Q. Miss Healey, you say that since you read about the confession in this case you have had an opinion of guilt? A. Yes.

Q. Is that a fixed opinion? A. Well, if I could be shown, as the other attorney said, that it was forced - that the confession was forced, it wouldn't be justified.

Q. But as you sit here today, knowing what you do, or having read about this confession, you have an opinion as to their guilt? A. Yes.

Q. And now, Miss Healey, would you expect these defendants to produce evidence for you to disabuse your mind of that opinion? A. Yes.

Q. So that you will expect them to show you that they are not guilty? A. Right.

Q. And if you left the chair you are now in and came into the jury box, you would carry with you that opinion of guilt and expect the defendants to take it from your mind by some evidence that they were not guilty?
A. That is right.

Q. Now, as to policemen, Miss Healey, would you give more weight to the testimony of a police officer or official of the State Police Department than you would to that of an ordinary citizen? A. Well, I don't think so. They would all be under oath to tell the truth.

Q. And you would feel then that any witness, police as well as the ordinary witness, would be charged with the same standards as to whether they were telling the truth or not telling the truth? A. That is right.

Q. That is how you would charge them as a fair juror? A. Yes.

Q. You believe in our jury system, don't you?
A. Yes, I do.

Q. And you would want it upheld in this case?
A. Yes.

Q. And you would expect these men to be entitled to a trial by a fair and impartial jury? A. I would.

Q. In other words, having this opinion of guilt on the part of these men, which you say would take evidence on their part to take from your mind. I think that is all.

MR. BURKE: I would ask the lady be excused.

THE COURT: I will deny the motion.

EXAMINATION BY MR. BILL:

Q. In connection with the question Mr. McDonough asked you, if you were on the jury and came to the time of deliberations with respect to the guilt or innocence of the accused, in answer to his question, you said if you had a decided opinion one way or the other and eleven were against you, you would still stick to your opinion. However, before you ever reached that you would listen to reason from the others? A. Oh, yes.

Q. And you would debate it back and forth?
A. Yes.

Q. And it would be only after an exhaustive debate that you would be completely satisfied you were right

before you would ever take a position like that on one against eleven? A. That is correct.

MR. BILL: That is all.

CROSS EXAMINATION BY MR. McDONOUGH:

Q. Miss Healey, the Court will instruct you that the verdict can be, among others, murder in the first degree, the penalty for which is death in the electric chair; and you will also be instructed that the jury, that it can find the defendant or defendants guilty of murder in the first degree and the jury can recommend mercy, which means imprisonment for life without parole; or murder in the second degree, which means imprisonment for life and parole is possible after twenty-five years; and then I believe there may or may not be a charge as to manslaughter, which carries a lesser penalty. If the evidence received by the jury and other the instructions of the Court is such that it would affect the consideration of a verdict recommending mercy, would you consider such evidence and such a recommendation of mercy? A. Yes.

Q. Now, if the defendant, Culombe, who sits there, introduces evidence with the permission of the Court showing that at the time of the crime he had not the mind and capacity to reason and the understanding to enable him to judge of a nature, character and consequences of the fact, would you take such evidence into consideration in rendering a verdict as to mercy or otherwise in this case? A. Yes.

MR. BILL: Objection.

THE COURT: What is the objection?

MR. BILL: There was no part of the question containing the instructions of the Court.

THE COURT: I thought it did contain that.

MR. BILL: He said with the permission of the Court.

THE COURT: Under the instructions of the Court?

THE WITNESS: Yes.

Q. You would, Miss Healey? A. Yes.

MR. McDONOUGH: Thank you.

MR. BILL: Accepted by the State.

MR. McDONOUGH: Accepted by Mr. Culombe.

MR. BURKE: Excused by Taborsky.

THE COURT: You are excused, Miss Healy, but I have to tell you, and I do, that you are not at liberty to communicate or talk with anyone, or discuss with anyone the questions that were asked of you here or the answers which you gave about this until a jury is finally selected and the evidence starts, and you may do so then if you like.

MR. BURKE: I failed to take an exception to Your Honor's ruling for cause.

MAY 8, 1957 - 4:12 P.M.

GEORGE W. HANNON

EXAMINATION BY THE COURT:

Q. Sit down, Mr. Hannon, Will you tell us first how long you have lived in East Hartford? A. About twenty years.

Q. Are you married? A. I am.

Q. And how many in your family? — Question withdrawn. Do you have a family? A I have four children.

Q. And how old are they? A. Well, I have one thirty-three, one twenty-nine, one twenty-four, and one twelve.

Q. Let's start with the one that's thirty-three. Boy or girl? A. Girl.

Q. And is she married? A. She is.

Q. What does her husband do? A. He works as an I.B.M. man for the Two-Hartfords.

Q. The next is twenty-nine. A. Married.

Q. Man or woman? A. A girl.

Q. What does her husband do? A. He's a fireman. Works for the Town of East Hartford.

Q. The next one? A. The next one is a boy, married. He works for me. Insurance man.

Q. And the one twelve, of course, is in school?
A. In school.

Q. Have you ever had any prior jury service?
A. None.

Q. Now, you have already indicated, but what is your occupation? A. I am an insurance and real estate agent.

Q. For whom? A. I work for myself. I have my own agency.

Q. And your son is employed as a salesman by you?
A. Yes, sir.

Q. Have you ever — Question withdrawn. Your wife has no other occupation than as a housewife?
A. She's an insurance agent in partnership with me.

Q. So that your family at home works in the insurance business with you? A. That's right, Your Honor.

Q. Have you ever been involved in a criminal prosecution either as a complainant or an accused or a witness or otherwise, other than a traffic violation? A. None, Your Honor.

Q. Or any member of your family, so far as you know? A. None, Your Honor.

Q. The law of this state is that the jury determines, from the evidence presented here in Court, what the facts are, but the jury is under an obligation and must take the law governing the case from the Court. If you were selected as a juror and I instructed you that is the law, would you have any hesitation in taking the law from the Court? A. As I understand it, no, Your Honor.

Q. Let's make sure you understand it. The facts are determined from the evidence, by the jury. The law governing the case is stated to the jury in the Judge's charge at the end of the case and that is the law that the jury must take and apply to the facts as they find them. If I instructed you that was our law would you have any hesitation in following it? A. I would not.

Q. If I were to tell you further that our law is that these two accused are presumed to be innocent, as they stand here before you, of the crime with which they are charged, until and unless the State proves them guilty beyond a reasonable doubt, would you have any hesitation in following that instruction? A. I would not.

Q. If I were to tell you that that presumption of innocence required that as a juror, if you were selected as a juror, you would have to eliminate from your consideration anything that you may have read about this case or about them, or heard about them or the case either on the radio or in discussions with others, or seen on television, and that you would have to start this case with the presumption that they are absolutely innocent until and unless the State proved them guilty beyond a reasonable doubt, would you follow that instruction?
A. I would.

Q. If I were to tell you further that under our law the accused are under no obligation, either now or at any time during the trial, to produce any evidence to prove that they are not guilty, but that the State has the burden

of proving that they are guilty, you would have no hesitation in following that charge? A. I would not.

Q. If I were to tell you that if police officers are offered as witnesses in this case — and in all probability there will be — and that if you are a juror, that you would under our law have to test their credibility and determine what weight you would give to their testimony, if any, by the same standards as you would test the credibility of any other witness and determine what weight you would give to other witnesses' testimony, would you follow that instruction? A. Your Honor, would you please rephrase that again?

Q. Let me say it plainly. Would you treat police officers, as witnesses, in the same category you would treat any other witnesses that appeared on the stand?
A. I would, Your Honor.

Q. Would you determine his credibility or their credibility by the same standards as you would test the credibility of any other witnesses? A. On the same standards, Your Honor?

Q. Yes. A. Yes.

Q. And you would not give them any more — Question withdrawn. If I were to further tell you that the law of the state was that if you were selected as a juror you must not allow sympathy for these accused or their relatives, or the deceased or their relatives, to in any way influence you in arriving at your verdict, would you follow that instruction? A. I would.

Q. If I told you the prejudice and bias for or against the accused or the State was to play no part in your verdict, would you follow that instruction? A. I would.

THE COURT: Mr. McDonough, you're next.

EXAMINATION BY MR. McDONOUGH:

Q. Mr. Hannon, how long have you had your own insurance business? A. About sixteen years.

Q. Have you ever held public office? A. I have.

Q. And what office? A. I have been the Town Treasurer of the town that I live in; State Representative representing the town that I live in.

Q. I think you said you haven't had prior jury service? A. That's correct.

Q. Have you any immediate relative connected with any police department? A. No police department.

Q. Have you ever had any connection, such as being a police commissioner or in any form at all, a connection with a police department? A. I have not.

Q. Mr. Hannon, the Court will instruct you that the jury, on the evidence, if it warrants it, may return a verdict of guilty of murder in the first degree, which is punishable by death. Have you any opposition to capital punishment if the evidence warrants such a verdict? Have you such opposition or any opposition that would cause you to hesitate in returning such a verdict? A. I have no opposition to capital punishment.

Q. The law of this state provides that a jury may bring in a verdict of guilty of murder in the first degree, and recommend mercy. If the evidence in this case that is admitted is such as to show, in so far as either one of these defendants is concerned, especially Culombe, who sits here and who I represent, is mentally dificient, would you consider that evidence under the instructions of the Court in reaching a verdict of first degree, with mercy? Would you consider Culombe's mental instability if the evidence, under the Court's instructions, warranted it?

A. I would.

Q. His Honor may instruct the jury, Mr. Hannon, that the defendant or defendants, to be guilty of murder in the first degree, at the time of the commission of the crime had the mind, capacity, reason and understanding enough to enable them to judge of the nature, character and consequences of the act charged against them, that the act was wrong and criminal, and that the commission of it would properly and justly expose them to penalty. If the evidence showed that these defendants came under what I just read to you, and did commit the crime, would you vote accordingly on a verdict —

MR. BILL: Objection.

Q. — of murder in the first degree.

THE COURT: I'll sustain the objection.

Q. If, Mr. Hannon, evidence was submitted to you as a member of the jury that Culombe, at the time of the commission of the crime, did not have the mind or the capacity, or the reason and understanding to enable him to judge of the nature and character of his acts, would you consider that evidence in determining the verdict that you would render against him? A. I would.

Q. And if it convinced you that the State had not produced sufficient evidence to show that he was sane — Culombe — would you consider that evidence and lack of evidence by the State in rendering your verdict?

A. Would you please repeat that?

Q. I'll withdraw it. The Court will charge you that if the sanity of the defendant, Culombe, is raised, evidence is put in that he is not mentally and capably sound, that the duty and burden is on the State to show that he was sane at the time of the commission of the crime — if the Court so charges you will you follow the Court's instructions? A. I will.

MR. BILL: Objection.

MR. McDONOUGH: I claim it.

THE COURT: I'll allow it.

MR. BILL: That isn't what the Court would instruct.

THE COURT: I know. I understand.

Q. You would? A. I would follow the Court's instrution.
tion.

MR. BILL: I object, Your Honor, because it seems to me that he is indicating to the juryman that the State in any event would have to go ahead with some evidence as to sanity, and that isn't true. There is a presumption of sanity, and he should put his question that if the Defense raises it, then it —

MR. McDONOUGH: Just because the State's Attorney doesn't understand it, Your Honor, doesn't mean the witness doesn't.

MR. BILL: I understood it.

THE COURT: I think now that the controversy is over and you gentlemen have exchanged pleasantries, continue with your examination.

MR. McDONOUGH: That's all, Your Honor.

MR. BILL: Exception, Your Honor?

THE COURT: Certainly. Mr. Burke.

EXAMINATION BY MR. BURKE:

Q. Mr. Hannon, you have read a lot about this case in the newspapers, haven't you? A. I think I can say "No" to that.

Q. You haven't read much about it in the papers?
A. That's correct, Attorney Burke.

Q. And you haven't — Have you listened to newscasts on television or radio about it? A. I was out of the state when this case broke; and if I may, Your Honor, in answering your question, I am not interested in reading somebody else's misfortune.

Q. Do you or do you not have any opinion as to the guilt or innocence of these men? A. I have no opinion as to the guilt or the innocence of these men at this time.

Q. So that as far as you are concerned you can sit in the jury box with the presumption that they are innocent? A. That's correct.

Q. And you will come to your decision as to their guilt or innocence based upon testimony you hear in this Court? A. That's correct.

Q. And not be influenced by any stories or information that might be voiced upon you from outside sources? A. That's correct.

Q. Mr. Hannon, you believe in the jury system, don't you? A. I do.

Q. And you believe a man should be tried by a jury of fair and impartial people? A. If he chooses that.

Q. You have no preconceived notions of his guilt? A. That's correct.

Q. And if you sat as a juryman you would follow out that belief, would you not? A. That's right.

Q. Do you have any relatives or close friends who are members of any type or kind of law enforcement agency? A. None; unless you consider the fire department.

Q. No. I mean like police, or F.B.I., or Treasury agents, or something like that? A. None.

Q. Not just policemen, but any law enforcement agency. And you say that you were a State Representative? A. I was.

Q. But you hold no public office now? A. That is correct.

MR. BURKE: I think that's all.

THE COURT: Mr. Bill?

EXAMINATION BY MR. BILL:

Q. I think you said that you believed in capital punishment, didn't you? A. I did.

Q. And you have no hesitation about that? A. I have none.

Q. And you would go into the jury box with a free mind as to whether either one or both of these men had any mental condition, mental illness? You'd go in there on the presumption that they were sane, until some evidence was brought forward, would you not? A. I think that's correct.

Q. And you would follow the instructions of the Court as to the rules concerning your position as to whether they had adequate mental condition or not? A. I would.

MR. BILL: That's all.

THE COURT: Mr. McDonough?

EXAMINATION BY MR. McDONOUGH:

Q. Mr. Hannon, one more question: Will your business situation be such, or is it such, that being detained here for a period of, say, about a month would cause you any great inconvenience? A. I believe that the business situation can get along all right without me.

Q. I'll read this philosophy to you and ask you if you

agree with it. In Connecticut we know the case as the State vs. So and So. This is the State vs. Joseph Taborsky and Arthur Columbe. In the United States Courts it is the United States Government vs. So and So. In England it is the Crown. I call this to your attention:

"The philosophy that prevails in English jurisprudence, namely, that the Crown never wins and the Crown never loses in a criminal case, is the true philosophy of criminal justice. When the liberty of an Englishman is preserved, the Crown wins, and that philosophy should be applicable to our American criminal courts, for the Government never really wins or loses a case. It is just as important to the Government to preserve the liberty of an innocent defendant as it is to convict the guilty." Do you agree with that?

A. I do.

MR. McDONOUGH: That's all. Thank you.

THE COURT: Mr. McDonough, you're first.

MR. McDONOUGH: Mr. Hannon is accepted by Culombe.

THE COURT: Mr. Burke?

MR. BURKE: Mr. Hannon is accepted by Taborsky.

MR. BILL: Accepted by the State.

THE COURT: You may go to the jury room, Mr. Hannon. You are number two.

MR. BILL: Your Honor, could counsel see you at the bench?

THE COURT: Yes; surely.

(Conference at bench.)

MAY 10, 1957. 11.10 A.M.

CHARLES H. STOCKS

BY THE COURT:

Q. Sit right down. First of all, will you tell us how long you have lived in West Hartford? A. I have lived in West Hartford twenty years.

Q. And Mr. Stocks, will you keep your voice up so they can all hear you. I hear you perfectly, and it is natural for you to direct your voice to the person that is asking you questions, but I want these gentlemen to hear you, too. You have lived in West Hartford for thirty years?

A. Twenty years.

Q. Before that where did you live? A. In Hartford.

Q. Are you married? A. Yes, I am.

Q. Do you have a family? A. Yes.

Q. And how many? A. Three children.

Q. How old are they, Mr. Stocks? A. Thirty-seven, forty-five and fifty.

Q. Let's start with the one that's fifty. What does he or she do? A. She's a housewife.

Q. What does her husband do? A. He works for Montgomery-Ward as a service manager.

Q. Where is he located? What town? A. He lives in Wethersfield.

Q. The next one? A. A son.

Q. What does he do? A. He's a globe trotter.

Q. You don't know where he is at the moment?

A. He's in Miami, the last I knew.

Q. The youngest? A. She's a housewife.

Q. What does her husband do? A. Traveling salesman.

Q. For whom? A. Some company in New York. I don't recall the name.

Q. Have you ever had any prior jury service?
A. Yes, I have.

Q. Where and when? A. Here in this room, and in the civil courtroom in 1954.

Q. Have you sat on criminal cases? A Yes, I have.

Q. When was the last one? A. That was in the spring term, 1954.

Q. Now, what is your occupation? A. Retired.

Q. And before you retired? A. Worked in a dress factory.

Q. Where? A. On Capitol Avenue.

Q. Does your wife have any other occupation than as a housewife? A. No, she doesn't.

Q. Have you ever been involved in a criminal prosecution? A. No, sir.

Q. In any way? A. Not in any way.

Q. Or any member of your family, so far as you know?
A. Not as I know of.

Q. From your previous service you know that the jury's function is to find the facts on the evidence presented in Court, do you not? A. Yes, sir.

Q. And you also know, do you not, that the jury must accept the low covering the case, from the Court?
A. Yes, sir.

Q. You would have no hesitation in doing that?
A. That's right.

Q. I take it that perhaps you also know that in this state the law is that these two accused are presumed to be innocent of any crime, including the crime with which they are charged, until and unless the State proves by evidence that they are guilty beyond a reasonable doubt?

A. Yes, sir.

Q. You would follow that instruction?

A. Certainly would.

Q. Do you realize that that presumption of innocence includes the fact that you would have to eliminate from your consideration as a juror, if you are selected as a juror, anything that you might have read about these men or this case, or heard on the radio or in general discussion, or seen on television? A. Yes, sir.

Q. Would you so do? A. I certainly would

Q. If I were to tell you something which you perhaps already know, that the law of this State is that these accused are not now, nor at any time during the trial will they be, under any duty to produce any evidence to prove that they are not guilty, but that the State has the burden of proving them guilty beyond a reasonable doubt, will you follow such instruction? A. Yes, sir.

Q. If police officers are offered as witnesses here the jury is to test their credibility and determine what amount of weight they will give to their testimony, if any by the same standards as they would test the credibility of any other witness that is put on this witness stand. Would you follow that instruction? A. Yes, sir.

Q. If I told you that the law of the State of Connecticut was, and it is, that in arriving at your verdict, should you be a juror on this case, you would have to eliminate from your consideration any sympathy for these accused or their relatives, or for the deceased or their relatives —

A. Yes, sir.

Q. — would you follow such instruction? A. Yes, I would.

Q. If I told you that prejudice and bias must play no part in arriving at your determination of the final verdict, would you follow that instruction? A. Yes, I would.

THE COURT: Mr. Bill, it's your turn.

EXAMINATION BY MR. BILL:

Q. Mr. Stocks, do you believe in capital punishment?
A. Yes, I do.

Q. You are a voter in West Hartford, are you?
A. Yes, sir.

MR. BILL: Thank you.

THE COURT: MR. McDONOUGH:

EXAMINATION BY MR. McDONOUGH:

Q. How many criminal case have you sat on, Mr. Stocks? A. Just one.

Q. What was the nature of the charge in that case?
A. It was a shooting affray in which a man shot his wife.

Q. Was it a murder case or an aggravated assault?
A. Aggravated assault.

Q. What was the verdict of the jury? A. Guilty.

Q. And that was in 1954? A. Yes.

Q. Did you serve on any other criminal cases?
A. No.

Q. Who was the prosecuting attorney or State's Attorney in that case? Mr. Bill? A. Mr. Bill.

Q. Have you sat on any case where Mr. Burke or myself have been attorneys? A. No, I haven't.

Q. You haven't had any professional relations with any of the attorneys in this case, have you? A. No, sir.

Q. Have you any immediate relative that has been recently or now owns a store, a small store or a gasoline service station? A. No, sir.

Q. Have you ever been the victim of a criminal act by being robbed or your home being broken into?
A. No, sir.

Q. Your health is good, I assume? A. Yes, sir.

Q. Your hearing is good? A. Yes.

Q. Have you any prejudice or feeling against a defense that would be offered or insanity or a mental condition? A. None whatever.

Q. If, under the instructions of the Court, evidence was admitted showing that Culombe, who sits here is deficient mentally, would you consider such evidence?
A. Yes, sir.

Q. And if the Court instructs the jury that even though Culombe is found guilty of murder in the first degree, that it could consider evidence of his mentality on a possible verdict of a recommendation of mercy with first degree, would you consider that? A. Yes, sir.

MR. BILL: Objection.

THE COURT: He's answered it. It should have included —

MR. McDONOUGH: The phrasing could have been changed, Your Honor. It would have been changed.

MR. BILL: I don't know that the Court is going to make such a charge.

MR. McDONOUGH: Do you want me to reframe it?

THE COURT: No. You asked the question. All this inquiry is for is so you can get information. I'll allow it. I think I would have sustained it. Mr. McDonough said he was willing to reframe it.

Q. Have you read in the newspapers of the crime that these men are charged with, Mr. Stock?

A. Very little. Just headlines. I don't buy any newspaper so I don't get much information that way.

Q. Do you read the newspapers? A. Very seldom.

Q. Do you listen to radio? A. Very little. I go to sleep by it.

Q. Do you watch television? A. I haven't any.

Q. Have you heard people discussing the holdups and murders that Taborsky and Culombe are charged with?

A. No, I haven't.

Q. Do you belong to social groups? Fraternal organizations? A. None at all.

Q. So you don't attend club meetings? A. No.

Q. How about luncheon meetings? A. I don't attend any of them.

Q. Do you associate with groups of people where discussions of public events take place? A. No; I have no social life at all. Just go to church and live home.

Q. You are not opposed to capital punishment?

A. No.

Q. Are you opposed to the abolishment of capital punishment? A. If the law says so I'll go along with the law.

Q. There was a bill before the Legislature to abolish capital punishment. Were you in favor or opposed to such legislation? A. At the time it was brought up I was opposed to it.

Q. So you are definitely in favor of capital punishment? A. Yes, I am.

Q. But you have no opposition to our law of first degree murder with a recommendation for mercy if the jury sees fit? A. No, I haven't.

Q. Have you any close relatives members of any police department? A. Just my son — the husband of my oldest daughter is an auxiliary policeman in Wethersfield.

Q. Are you acquainted in New Britain? A. Yes, I have some relatives in New Britain.

Q. Do you know of — Question withdrawn. Do you know an Edward Kurpiewski, who is one of the deceased in this case? A. No, I do not.

Q. Or a Daniel Janowski? A. No, I did not.

Q. Have you talked with your relatives in New Britain about this murder case? A. No, I never have discussed it with any of them.

Q. Do you know of any reason at all why you couldn't serve on this jury and fairly and impartially and under the Court's instructions decide the issues in this case? A. No, I do not.

MR. McDONOUGH: That's all.

THE COURT: Mr. Burke?

EXAMINATION BY MR. BURKE:

Q. Mr. Stocks, how long have you been retired? A. Well, in the last ten years I have worked periodically. Since I was sixty-five, practically.

Q. You have been retired about ten years? A. Yes.

Q. Your health is good? A. Yes, it is.

Q. Now, Mr. Stocks, what newspaper do you subscribe to? A. I don't subscribe to any. Occasionally, very seldom, I buy a Hartford Courant or Hartford Times.

Q. And you don't follow the news of the day, or current events? A. No, I do not.

Q. You have no interest in that? A. No.

Q. And you say you have no television? A. I have no television.

Q. Do you have a radio? A. Yes.

Q. Do you listen to the radio? A. Very seldom.

Q. Do you listen to radio news broadcasts? A. Yes; I take that in.

Q. Have you heard radio news commentators about this case? A. Occasionally. I hear about juries being accepted.

Q. I mean prior to that. I mean at the time these alleged crimes were being committed?

A. Yes. I read — I listened to that. I heard that on the news program.

Q. Did you also hear on the radio about alleged confessions having been obtained? A. Yes, I think I did hear that sometime ago.

Q. Having heard that on the radio, Mr. Stocks, didn't it have some impact on your opinion?

A. Not at all. No. My opinion has always been — My conclusions, if I sat on the jury, would be based strictly on the evidence presented in the Courtroom, so I'd never allow any newspaper comment to sway me one way or the other.

Q. Despite that, from listening to the radio about these two men, didn't you get some impact of it as to the guilt or innocence of them?

A. Well, I suppose like anybody else you are a little inclined to lean towards what the newspaper says on —

Q. Would you stop there, Mr. Stocks? You say that you are inclined to lean on what the newspaper says. But you don't read the newspaper very much?

A. Very, very little.

Q. And from the little you did read you did obtain a leaning of opinion? A. It soon went out of my mind.

Q. I am asking you about when you had it. A. At the time.

Q. And that opinion as to guilt or innocence was what? A. I think that they should be brought to trial and have their privilege of expressing their views, and their trial should be conducted in a way that would make me decide whether they are guilty or not guilty.

Q. I agree with you, Mr. Stocks. But what I am getting at is the question I just asked you, When you listened to the radio and read in the newspapers, as you said, you have leanings of opinion. I want to know were the leanings towards guilt or innocence? A. Well, it wasn't either, to tell you the truth. I wasn't inclined in either way to make up my mind.

Q. So you didn't lean at all? A. Well, not towards — not towards the fact that they were guilty until I knew more about it. I wanted more evidence; more proof.

Q. So what you heard about the confessions, from news commentator or read in the newspaper, it didn't lean your opinion to guilty or innocent? A. I made up my mind at the time that I wasn't going to be — To start with, I expected to be called on the jury again most any time, because my application was in, and I made up my mind I wasn't going to be swayed one way or the other until I got into the Courtroom.

Q. Could we say, Mr. Stocks, that you were preparing to be a juryman in the event you were called?
A. Yes.

Q. So that you were keeping deliberately an open mind in this matter? A. I certainly was. Yes, indeed.

Q. That's about the way it was? You had an application in to be a juryman and you felt if you were called you wanted to have an open and impartial mind? A. I certainly did.

Q. Would you like to serve on this jury? A. Yes, I would.

Q. You stated that one of your — Is it a grandson, an auxiliary policeman? A. The husband of my oldest daughter is an auxiliary policeman.

Q. Your son-in-law? A. Yes.

Q. Do you see him frequently? A. Not ver much; no.

Q. Do you visit him at all? A. Oh, yes; occasionally.

Q. When you do, do you discuss police work?
A. No. It never was brought up. As a matter of fact, he had been an auxiliary policeman about two years before I even knew it.

Q. So most of your activity is taken up with personal matters? A. That's right.

Q. And you say you don't belong to any clubs?
A. No.

Q. And that your activity in that regard is to go to church and come home? A. That's all we do.

Q. Are you one of those people, like I am, who like to visit with their neighbors in front of the church?

A. My wife does that. She takes care of that end of it.

Q. You just stand and wait? A. I just go out in the car and stay there and blow the horn.

Q. So that you don't have any opportunity to discuss the events of the day with your neighbors at that particular congregation? A. No, I do not.

Q. Mr. Stocks, have you ever been the victim of any violence, robbery, holdup, breaking and entering, anything like that? A. Never have.

Q. How about any members of your immediate family A. None that I know of. I see my relatives very little.

Q. You sort of keep to yourself? A. I've lived where I am now for eighteen years and I don't know my next door neighbor's name.

THE COURT: Sheriff, we'll have to have order.

Q. Mr. Stocks, in this case there will be probably evidence that one or either of these defendants suffers from a mental disease, a mental illness or a mental incapacity to such an extent that he could not form the proper intent for first degree murder. Under the instructions of the Court and having heard these facts, will you give consideration to them in arriving at your verdict?
A. Yes, sir.

Q. You also know, don't you, Mr. Stocks, that the penalty for first degree murder in this state is death by the electric chair? A. Yes, sir.

Q. Do you believe that society has a right to kill its citizens? A. If it's the law I go along with it.

Q. I am not talking about the law. The law is the law. I am asking how you feel. What is your opinion?

A. Then I am of the opinion that it is punishable by death.

Q. You think, then, society has a right to kill its citizens? A. Yes, I do.

Q. In a proper case, of course? A. Yes, I do.

Q. And if the law so prescribes? A. Yes.

Q. In this particular case, Mr. Stocks, under the proper facts and evidence produced for you and under the instructions of the Court, would you refuse to consider in your verdict murder in the first degree with a recommendation of mercy? A. No, I wouldn't refuse that.

Q. If in a proper case you felt that it warranted it, you would consider it? A. Yes, sir; I would.

Q. In other words, Mr. Stocks, you are prepared to sit here as a fair and impartial juror and decide this case on what you hear in this room? A. Yes, indeed.

Q. You are not going to be influenced by any newspaper talk, barber shop gossip, or any other outside influences? A. No, sir.

Q. And you are not going to permit any emotional feeling to sway you one way or another? A. No, sir.

MR. BURKE: I think that's all.

THE COURT: Mr. Bill?

EXAMINATION BY MR. BILL:

Q. You would weigh all the evidence on both sides, whatever came in and whatever you heard? A. Yes, sir.

Q. You would wait until the end of the case? A. I certainly would.

EXAMINATION BY MR. McDONOUGH:

Q. What do you mean that you had an application

in to be a juror? A. Well, they sent me an application, and I had been for the last five years. I've been sending it in, and that was filled out properly.

Q. Who sent you the application? A. It came from Mr. Calnen's office, I presume.

THE COURT: Are you talking about a questionnaire?

A. Yes.

Q. You mean a questionnaire came from the clerk's office? A. Yes.

MR. McDONOUGH: That's all.

EXAMINATION BY MR. BURKE:

Q. Did you ask anyone in West Hartford, like the jury committee or the town manager, to put you on the jury list? A. No.

Q. You didn't? A. No.

Q. You don't know how you came to be on the list? A. This time?

Q. No. Before you got this questionnaire? A. Yes, I do know how my name came to be on the jury list. Mr. Ellsworth, who happened to be the Sheriff here, was a friend of mine, and I did mention it in the Courtroom at one time that if there was an opportunity to do substitute duty I would hope that he would help me to get it.

Q. Did Mr. Ellsworth summon you here to this Court? A. Not this time; no. In 1954 I was summoned for substitute, and after that I was on the list and I received the application every six months from Mr. Calnen's office.

Q. I mean in this particular summons to this Court, which you are a talesman, did Sheriff Ellsworth serve that summons on you? A. Oh, no.

Q. Or was it another sheriff? A. No. The other sheriff. The present sheriff here now.

Q. Another sheriff? A. Juliano called me up on the phone.

Q. Juliano called you up on the phone? A. Yes.

Q. And that's how you received your summons?
A. That's right.

Q. The sheriff didn't go and give you a paper?
A. No. No. My application was in.

Q. Your application was in? A. Yes.

MR. BURKE: Thank you.

MR. McDONOUGH: Do you mean that you were not served with a paper to appear here?

A. I wasn't served with a paper; no. I was called on the telephone. I had been into the sheriff's office —

THE COURT: You have answered the question, "No".

MR. BILL: Is there any claim, Your Honor, by the Defense that he has to be summoned by a paper?

MR. McDONOUGH: He's got to be summoned by a sheriff; not by a telephone conversation.

MR. BILL: Talesmen can be brought in here, Your Honor.

MR. McDONOUGH: May I be heard?

THE COURT: Yes.

MR. McDONOUGH: I claim this gentleman was improperly summoned. That isn't what I construe to be the instructions of the Court to be, under the statute that the sheriff — Where is that section?

THE COURT: 7925. He shall summon judicious electros to serve here as talesmen.

MR. McDONOUGH: I submit, if it may please the Court, that that is not a proper way to summon under the statute, for a sheriff to call on the telephone.

THE COURT: May I ask you, Mr. McDonough, do you have any authority whatever for your position?

MR. McDONOUGH: I would like a recess to submit some.

THE COURT: I'll give you that opportunity. Can't we dispose of this juror?

MR. McDONOUGH: I would ask Your Honor to excuse him instead of using a challenge.

THE COURT: All right, Sheriff, will you see that during the recess Mr. Stocks remains in this jury room where there is no one else, and escort the accused from the Courtroom.

(Accused removed from Courtroom.)

THE COURT: Short recess, Sheriff.

(Recess at 11:35 A.M.)

AFTER RECESS - 12:22 P.M. - May 10, 1957

THE COURT: Bring in the accused, if you will.

(Accused present in the courtroom)

THE COURT: Shall I call Mr. Stocks or do you want to be heard?

MR. McDONOUGH: For the purpose of the record, this motion is directed to the disqualification of Mr. Stocks because of the manner in which he was summoned. We claim he was improperly summoned by telephone, and that that doesn't meet our statute which refers to the service of summons, section 7773: "The service of a writ of summons shall be made by the officer reading it and

the complaint accompanying it in the hearing of the defendant . . . ." and then goes on further and states the complaint accompanying it. That refers definitely to a summons and the complaint accompanying it.

Our statute sets out that a writ is divided into two sections - a summons and a complaint, and our statute set out definitely how a summons shall be served. That is to be taken in itself.

In 125 Conn., at page 493, our Supreme Court said the particular method must be followed, and referred to section 7773, which I have cited to the Court. In 108 Conn. at 16, it states the purpose of the requirement is to insure actual notice. In the situation here, of course, would satisfy that, because of Mr. Stock saw fit to hang up the telephone and completely ignore the telephone summons by the deputy sheriff, he would have been safe in doing so. He would not be in contempt of court, and if this procedure is or was followed with all of the talesmen, we wouldn't have any talesmen here, and the court couldn't bring them in by telephone.

In Words and Phrases, Volume 40: "A summons is a paper which gives jurisdiction to the court over the person of the party brought in", and it cites *Adkins versus Moore*, 20 Southeastern, 985. Also *Stwelman versus Dalby*, 89 Pacific 2nd, 20. There it refers to a summons by an officer for the justice of the peace - a summons is a process issued from the office or a court of justice requiring the person to whom it is addressed to attend the court for the purpose therein stated. Also, *Whitney versus Blackburn*, 21 Pacific, 874. That is an Oregon case and it is the exact situation here. Mr. Stocks could have ignored the summons and would not have had to come to court. Therefore, the summons is not a proper summons, and seems a disqualification of him as a juror, Your Honor.

THE COURT: Would you care to be heard, Mr. Burke?

MR. BURKE: I will join in the argument of Mr. McDonough and add this: It is our understanding from the law we have found in a quick review that in order for a person to be properly within the jurisdiction of the court, such as these talesmen on a jury, there must be served on him some kind of a paper, and a telephone call from a sheriff or his deputy is not sufficient to bring that person within the jurisdiction of the court, and I think that is the general rule throughout the country.

THE COURT: I will overrule the motion. Bring in Mr. Stocks.

MR. McDONOUGH: May I have an exception?

THE COURT: Surely.

(The witness Charles Stocks recalled)

THE COURT: I am not sure. Did you start this, Mr Bill?

MR. BILL: I thought I did.

THE COURT: Do we agree he did?

MR. McDONOUGH: We agree.

MR. BILL: Accepted by the State.

MR. McDONOUGH: Accepted by Culombe.

MR. BURKE: Excused by Taborsky.

THE COURT: Mr. Stocks, I should say to you, I am going to excuse you, but I have to instruct you you are not to talk to anyone about what has transpired here this morning - the questions you have been asked or the answers you have given, or anything concerning this case, until a jury is selected and the evidence started. Thereafter you may use your own judgment. Is that clear?

THE WITNESS: Yes.

THE COURT: You are excused.

MAY 14, 1957 - AFTER RECESS 12:20 P.M.

THOMAS S. BRENNAN, having been previously duly sworn, was examined and testified as follows:

BY THE COURT:

Q. Mr. Brennan, on the inquiry you disclosed that you were the Employment Manager for what concern?

A. Fuller Brush.

Q. And you were having some difficulty. What was it?

A. Well, we have been very busy and we have been hiring a great number of people and we have reports that have to be gotten out and I have been working on that and I thought I should tell you that in the interests of the Court.

Q. You don't feel, or do you, that if you were selected as a juror you could give your full attention to this case, or do you? A. If I were selected I could give my full attention to this case. I just wanted to bring that point out and tell you about it.

Q. If you were selected, you would serve, is that correct? A. Yes.

Q. You are a voter? A. Yes.

Q. Are you married? A. Yes.

Q. Do you have a family? A. Yes, sir.

Q. How many? A. Two children.

Q. And how old are they? A. There are two, two girls, eleven and twelve.

Q. Would you tell us how long you have lived in Wethersfield? A. About two and a half years.

Q. Before that where did you live? A. Farmington - four years.

Q. And before that? A. Hartford.

Q Have you ever done jury service before this?
A. No, sir.

Q. You have already told us what your occupation is. Does your wife have any other occupation than as a housewife? A. No, sir.

Q. Have you ever been involved in a criminal prosecution, either as a complainant, an accused, a witness or otherwise, other than for a traffic violation? A. The only time I have been in Court was when I was a witness in an automobile accident.

Q. No, that is a civil action. If I were to tell you that under our law the jury determines the facts from the evidence presented here in Court, do you understand that? A. Yes, sir.

Q. I mean, do you understand that that is so?
A. Yes, sir.

Q. Now, under our law, also, the jury must take the law governing the case from the Court, which is I, and if I were to instruct you that was the law of Connecticut would you do so under my instructions? A. Yes.

Q. If I instructed you the law of Connecticut further is that these two accused sitting here are presumed to be innocent of crime - the crime with which they are charged or any crime for the purpose of this case until the State, by evidence produced here, proves them guilty beyond a reasonable doubt, would you follow that instruction?
A. Yes, sir.

Q. If I told you that presumption of innocence also includes this, that if you were accepted as a juror, you would have to eliminate from your mind any notion as a juror, anything you might have read about them or about this case, or heard on the radio or heard in general dis-

cussion or seen on television, and start as a juror with the presumption that they are absolutely innocent of this crime or any crime, until and unless the State, by evidence produced here in Court, proves them guilty beyond a reasonable doubt - would you follow that instruction?

A. Yes, sir.

Q. If I were to tell you further along the same line that our law is that these accused are under no obligation, either now or at any time during the trial, to produce evidence themselves to prove that they are not guilty, but that the burden always rests upon the State to prove them guilty beyond a reasonable doubt, would you also follow that instruction? A. Yes.

Q. If I were to tell you further that our law is that if you are selected as a juror you will not allow sympathy for these accused or their relatives or for the deceased or their relatives in any way to influence you in arriving at your verdict, you would follow that instruction? A. Yes, sir.

Q. If I were to tell you that neither prejudice nor bias must influence you in any way in arriving at a verdict in this case, would you also follow that instruction?

A. Yes, sir.

Q. If I were to tell you further that if police officers are offered on the witness stand here, and they probably will be as witnesses, that you are to test their credibility, whether you believe them and what amount of weight you will give their testimony by the same standard as you would test the weight or the credibility of any other witness produced here, would you follow that instruction?

A. I don't quite understand.

Q. If police officers were put on the stand to testify in this case, as they probably will be, you are to test their credibility, whether or not you believe them, or the weight you will give their testimony, by the same standard

you would test the weight of any other witness and the credibility of any other witness produced here, would you follow that instruction? A. Yes, sir.

THE COURT: Mr. Bill?

EXAMINATION BY MR. BILL:

Q. Mr. Brennan, do you believe in capital punishment? A. Yes, sir.

Q. I believe you said you lived in Farmington for a while. A. Yes, sir.

Q. How long did you live there? A. About four years or so.

Q. Did you know Mr. Burke out there? A. Only by reputation.

Q. You didn't know him personally? A. No, sir.

MR. BILL: That is all.

EXAMINATION BY MR. McDONOUGH:

Q. You realize, Mr. Brennan, don't you, that you are being called on what we refer to as a capital case? A. I

Q. And you will be called on a jury where the lives of two accused are at stake? A. Yes, sir.

Q. Do you know of any reason at all why you could not serve impartially and fairly if chosen as a juror in this case? A. Well, the judge said something about if I knew any of the attorneys' partners.

THE COURT: I didn't ask you that, but do you know some of the partners? A. I know Len Tracy and John Bracken.

THE COURT: Would that association or acquaintanceship in any way prevent you from rendering a fair trial solely on the evidence? A. No, sir.

THE COURT: Or embarrass you in any way?

A. No, sir.

Q. Mr. Brennan, have you ever held public office? A. No, sir.

Q. Have you any close friends or members of your family who have been members of a Police Department? A. No, sir.

Q. Are you acquainted in New Britain? A. Yes, sir.

Q. Did you know Kurpiewski and Janowski, the deceased in this case? A. No, sir.

Q. Did you ever do business with the gas station where this killing took place? A. No, sir.

Q. Do you know Dr. Bancroft, the Psychiatrist practicing in Hartford? A. I don't believe I do.

Q. Do you know Dr. Waterman? A. No.

Q. And you have no fixed opinion at the present time as to their guilt or innocence? A. I would follow the instructions of the judge.

Q. Your opinion has not been or is not such that you couldn't follow the instructions of the Court? A. That is right.

Q. You would start right off with this presumption of innocence if the Court so instructed you. A. Yes, sir.

Q. If you reached an opinion where you had based your verdict on it, would you stand by your opinion against the rest of the jurors regardless of the number opposed to you unless they could show you by reason, the power of reason, that you should change? A. If th y showed me by the power of reason, yes, sir.

Q. In other words, you would remain firm in your stand based on the evidence and law? A. Yes, sir.

Q. How long have you been with the Fuller Brush? A. Since 1949.

Q. The law of this state provides that a jury may return a verdict of murder in the first degree, and the punishment for that is death. It also provides that the jury may return a verdict of murder in the first degree and recommend life imprisonment. If the evidence in this case shows a basis to recommend life imprisonment, under the instructions of the Court would you consider recommending life imprisonment? A. I don't quite understand. If the judge recommends life?

Q. No. If His Honor told you that the jury, under the evidence - if the evidence warranted it - the jury could recommend life imprisonment. If the evidence in your mind warranted such a recommendation would you consider that recommendation? A. Yes.

Q. Now, if the evidence introduced showed that either one or both of the defendants, at the time of the commission of the crime alleged, did not have their minds and capacity and reason and understanding sufficient to enable them to understand the nature, character and consequences of the act, would you consider that evidence in arriving at the type of verdict in this case? A. You mean that one of the accused - the evidence showed they didn't have the mental capacity to know what they were doing, would I consider that in this case?

Q. Yes. A. I really don't know.

Q. Well, if the Court told you you could consider it, would you consider it? A. If there was such evidence, yes, sir, if the Court told me.

Q. Let us get down to this, Mr. Brennan. You have read crime stories in newspapers, including this one here.

Have you read of insanity defenses before presented in crime cases? A. Yes, sir.

Q. Have you any prejudice or feelings against an insanity defense? A. Yes, sir, I think I do.

Q. And even if an insanity defense was presented here, is your prejudice such that you feel you couldn't consider the evidence? A. I think — yes, I could consider the evidence - yes sir, I could.

Q. And if the evidence showed that the defendant, Culombe, since childhood - Culombe sits there (indicating) - had a mental incapacity and has at the present time, would you consider that in considering your recommendation of life imprisonment, even though he were guilty of murder in the first degree? A. I don't quite understand that.

Q. If evidence were submitted, Mr. Brennan, showing that from the time Culombe was an infant, he hasn't had proper reasoning powers, that he hasn't had the mind or capacity to judge of the nature and character of his acts, would you consider that evidence in determining whether or not to recommend life imprisonment if the Court told you you might? A. If the Court told me I might, yes.

Q. And if we introduced evidence showing that Culombe is, at the best, a moron, would you consider that in determining whether or not to recommend life imprisonment? A. If I was instructed by the Court, yes.

MR. McDONOUGH: That is all.

EXAMINATION BY MR. BURKE:

Q. Mr. Brennan, you say you know Mr. Leonard Tracy? A. Yes.

Q. Have you had business dealings with him?
A. Yes, both business and social.

Q. Both socially and business. And have you had business with Mr. Bracken as well? A. I am acquainted with Mr. Bracken in a semi-social - business way.

Q. But you have had business with Mr. Tracy?
A. Yes.

Q. Are you one of Mr. Tracy's clients? A. No, sir.

Q. This business you had with Mr. Tracy wouldn't affect your deliberations in this case at all? A. No, sir.

Q. Have you ever been the victim of any violence or robbery or holdup or theft or breaking and entering that caused you some financial loss? A. I was a victim of violence in the Service. There was no financial loss.

Q. Would you tell me the circumstances of it?
A. Well, it was down in Florida and a friend of mine and I were walking down the street and some people who he had an argument with - there was two of us and there were twelve of them and they jumped us and gave us quite a beating.

Q. Did this violence which was inflicted upon you - did it in any way affect your thinking, or would it affect your thinking in this particular case? A. I don't think so.

Q. The fact you where a victim of an unprovoked assault such as that - you say it wouldn't have any effect?
A. I don't think so.

Q. You said you read a lot about this case? A. Yes, sir, I read about this case.

Q. And you saw and read, I assume, about the alleged confessions having been made? A. Yes, sir.

Q. And did you, after reading about it in the newspapers and seeing it on television and radio, I assume, did you arrive at some opinion as to the guilt or innocence of these men? A. Yes, I did.

Q. This opinion is one of guilt, isn't it, Mr Brennan? A. Yes, sir.

Q. And this is an opinion you have had for some time? A. Yes, sir.

Q. Do you feel, Mr. Brennan, that you could overcome this opinion and sit fairly and impartially on this case? A. I would do my best.

Q. I know you would, sir, and you also have a high regard for the jury system and the rights that are the privilege of all of us, but it is very important that we know whether you could do it. A. I could.

Q. You could. You could just push that to the back of your mind or eliminate it from your thinking and just consider, when you deliberate on this case, the evidence you have heard here in Court and not be affected by anything you read or heard or that was discussed with anybody? It is important to all of us. A. I know it, sir. Yes, sir, I could.

Q. You could and you would? A. I would.

Q. Now, Mr. Brennan, have you ever been involved or contributed to or been a party to the establishment of any reward for the capture or apprehension of these men? A. No, sir.

Q. Now, if policemen testify, police officials, or state police officers testify in this case, Mr. Brennan, would you give their testimony greater credence than you would give to the testimony of an ordinary witness? A. No, sir.

Q. Would you give it any less credence? A. No, sir.

Q. You would use the same yardstick you would measure the testimony of every other witness? A. Yes, sir.

Q. Now, Mr. Brennan, there will undoubtedly be evidence submitted for your consideration which will be to the effect that these men have some mental illness or mental disease or mental incapacity to the extent they do not have mind enough and will enough to form the specific intent to choose their course upon consideration, and especially procedure and purpose, and put it into action; and mind enough and will power enough, and reasoning power enough, to plan and arrive at the specific design and intent to kill and carry out that plan. If this evidence is presented to you and you are instructed by the Court, will you consider it in arriving at your verdict? Is that too long? A. It is too long.

Q. Let me put it this way: If evidence is produced here that either one or the other of these defendants suffers a mental illness, disease or incapacity to such extent that he cannot form a proper intent to commit murder in the first degree, would you consider that in your verdict, or would your preconceived notion of their guilt interfere with your permitting its consideration in arriving at your verdict? A. Well, Judge, I have some knowledge on these things. You see, I am on the Board of Education for Retarded Children and I do know something about mental diseases.

THE COURT: But would you consider it in your deliberations, if there had been some instruction to you?

A. Consider the fact that —

THE COURT: That there was some evidence offered of that fact.

A. Yes, sir, if the Court instructed to that extent.

THE COURT: If the Court instructed you in that matter and the circumstances warranted it?

A. Yes, sir.

Q. (By Mr. Burke) Now, in your considerations as a juror, the law of our State is that the punishment for first degree murder is death or life imprisonment. Under the proper instruction of the Court, would you consider both penalties in arriving at your verdict? A. Would you give me that again?

Q. Yes. Our law is that the penalty for murder in the first degree is death by the electric chair or life imprisonment without hope of parole. In considering the evidence in this case and under the instructions His Honor will give you, would you consider both of these punishments in your verdict? A. If I was instructed by the judge I would, yes.

Q. What do you mean by that - do you mean you would not want to consider the second alternative?

A. Maybe I am mistaken, but I thought the judge would probably tell us whether it is possible or is not or both.

Q. The judge will tell you what the law is and what the penalty is and he will tell you that under our statute that the Court - or the jury - may recommend, upon consideration of all the evidence - recommend life imprisonment. From what you know of this case and what you know of the background of my client, Taborsky, would that prevent you in your deliberations from considering the alternative of life imprisonment?

MR. BILL: I object to the question.

THE COURT: I will sustain it.

MR. BURKE: I claim it on the doctrine in the case of State against Donahue, and in that case the Court said - the Court read the statute and told the jury it was in its discretion to recommend imprisonment for life, and that such a recommendation should be made a part of their consideration of all the evidence, and they stated in this

case that that is the law. They also said, and I can't find it here, but I just read it a little while ago, that the nalty for first-degree murder in this state is death or life imprisonment. I submit that we are entitled to have this juror consider both of the penalties.

THE COURT: I didn't say you were not. I sustained the objection to the question because I don't think the for is proper.

MR. BURKE: May I have an exception?

THE COURT: Certainly.

Q. In your deliberations, Mr. Brennan, under the instructions the Court will give you as to what the jury may do upon finding the defendant guilty of first degree murder, could you in arriving at your verdict consider recommending life imprisonment? A. Yes, sir.

Q. You could. So your preconceived r ntion of what you have read of the background of these men would not prevent you then from considering the alternative of life imprisonment? A. No, sir.

Q. Is there some hesitation in your mind? A. I want to be sure in my own mind. That is the reason I hesitate.

Q. Now, if I gather the over-all, Mr. Brennan, even though you have an opinion right now that these men are guilty, you could and would enter your deliberations with an open mind and judge their guilt or innocence only on the evidence you would hear in this courtroom?
A. Yes, sir. I would.

Q. And whatever notion or opinion you have of their guilt, you would give it any weight, determine it upon the evidence you heard here, and that you would wait, if I understand your testimony, upon the defendants to produce evidence of their innocence? Let me rephrase that.

Would you expect the defendants to produce evidence of their innocence to take from your mind the feeling right now you have they are guilty? A. Yes, sir.

Q. You would.

MR. BURKE: Thank you.

MR. BILL: Accepted by the State.

MR. McDONOUGH: Accepted by Culombe.

MR. BURKE: I move he be excused for cause when he said his presumption of guilt could only be removed by evidence from the defendant, and again I cite 58 Conn., Page 45.

THE COURT: I will deny the motion.

MR. BURKE: I will take an exception and ask that Mr. Brennan be excused.

THE COURT: You are excused, and I am going to say to you, you must not discuss what happened here this morning, the questions asked you or the answers you gave until a jury has been selected and evidence starts, whereafter you may use your own judgment. You are now excused.

THE COURT: Escort the accused from the courtroom. Bring in the four jurors, please.

(Recess at 12:55 P.M.)

MAY 14, 1957 - 2:52 P.M.

LEE LEVITOW

BY THE COURT:

Q. Sit right down. The first question, are you a voter? A. Yes, sir.

Q. Would you tell us how long you have lived in South Glastonbury? A. Approximately five years.

Q. Before that where did you live? A. Manchester.

Q. And ho wlong did you live there, approximately? A. Three years.

Q. Before that where did you live? A. Newington.

Q. Are you married? A. Yes, sir.

Q. Do you have any family? A. Yes, sir.

Q. How many? A. Two children.

Q. How old are they? A. A boy eleven and a girl ten.

Q. Have you ever had any jury service before this? A. No, sir.

Q. What is your occupation? A. Supervisor of tool and plant stores of Pratt & Whitney Aircraft in East Hartford.

Q. And have been for how long? A. Fifteen years.

Q. Does your wife have any other occupation than as a housewife? A. No, sir.

Q. Have you ever been involved in a criminal prosecution either as a complainant or an accused or a witness or otherwise, other than a traffic violation? A. No, sir.

Q. Or any member of your family, so far as you know? A. No, sir.

Q. The law of our state is that the jury determines the facts from evidence produced here in Court. Do you understand that to be so? A Yes, sir.

Q. But the jury must take the law governing the case, which it will apply to the facts; from the Court, which is I. If I instructed you that that is so, would you follow that instruction? A. Yes, sir.

Q. If I told you further that the law of this state is that these two accused, as they sit here, are presumed to be innocent of the crime with which they are charged, or any other crime so far as this case is concerned, until and unless the State proves them guilty by evidence beyond a reasonable doubt, would you follow that instruction? A. Yes sir.

Q. If I told you that that presumption of innocence also included this, that if you are selected as a juror you would have to eliminate from your consideration as a juror anything that you might have read about them or read about this case, or heard on the radio or heard in general discussion, or seen on television, and start the trial as a juror presuming them to be innocent of this crime or any crime until and unless the State, by evidence, proves them guilty beyond a reasonable doubt, would you also follow that? A. Yes, sir.

Q. If I were to tell you further along the same lines that these accused are not now nor will they be at any time during this trial under any duty to produce any evidence to prove that they are not guilty, but that the State must produce evidence to prove them guilty beyond a reasonable doubt, would you follow that instruction, also? A. Would you mind stating it once more, please?

Q. I think I could do it better, anyway. The presumption of innocence also includes the fact that if you are selected as a juror in this case you would have to eliminate from your consideration as a juror anything that you might have read about them, or the case, or heard about it on radio or in general discussion, or seen on television, and you would have to start your consideration of the case as a juror presuming them to be innocent of this crime or any other crime as far as this case is concerned, until and unless the State, by evidence produced here in Court, proves them guilty beyond a reason-

able doubt, could you follow that instruction?
A. Yes, sir.

Q. Along the same line, these accused are under no obligation now or at any time during the trial of this case to produce any evidence to prove that they are not guilty, but the State must produce evidence to prove that they are guilty beyond a reasonable doubt, if I were to tell you that would you follow that instruction? A. Yes, sir.

Q. If I were to tell you that the law also is that if police officers are produced here in Court and testify, as they undoubtedly will, that you are to test their credibility, determine whether or not you will believe them and what weight you will give to their testimony, by the very same standards as you test the credibility of any other witness that is produced here in Court, will you follow that instruction? A. Yes, sir.

Q. If I were to tell you further that in arriving at your verdict you must not allow sympathy for these accused or their relatives, or for the deceased or their relatives, in any way to influence you in arriving at your verdict, would you also follow that instruction? A. Yes, sir.

Q. If I were to tell you that prejudice and bias either against these accused or the State must not enter into your consideration or your determination of your verdict, would you also follow that instruction? A. Yes, sir.

THE COURT: Mr. McDonough.

EXAMINATION BY MR. McDONOUGH:

Q. Mr. Levitow, have you ever held public office?
A. Only from an appointive nature. Zoning Commission. Other than that, no.

Q. What town was that? A Newington.

Q. Ever been connected with a police department? A. No.

Q. Ever in the military police? A. No.

Q. This is a capital case. so-called, first degree murder, where the State is demanding the penalty of death. You realize that, don't you? A. Yes, sir.

Q. Have you any feeling for or against capital punishment? A. No, sir.

Q. The law of Connecticut provides that for murder in the first degree, death in the electric chair is the penalty. It also provides that the jury may recommend life imprisonment on a finding of first degree murder — the penalty then is life imprisonment without hope of parole. Have you any objection to that part of the law? A. As I understand you, you mean if the recommendation were life imprisonment rather than the death — No.

Q. You have no objection to that? If the evidence warranted it, Mr. Levitow, and the Court instructed the jury that they could make such a recommendation, would you on the evidence consider making such a recommendation? A. To the best of my ability I would say yes.

Q. Are you acquainted with Lieutenant Samuel Rome of the Connecticut State Police Department? A. No, sir.

Q. Or Sergeant Stephen Coffey of the New Britain Department? A. No.

Q. Or Captain Hayward of the New Britain Department? A. No, sir.

Q. Are you acquainted with Dr. Bancroft, the psychiatrist in Hartford? A. No, sir.

Q. Or Dr. Waterman? A. No, sir.

Q. You heard the statement to the panel, and on

behalf of Culombe, who sits here, I represent that evidence will be offered that Culombe, at the time of the commission of the alleged crime, had not the mind, the capacity, reason or understanding sufficient for him to judge of the nature, character and consequences of the act charged. If such evidence is submitted will you consider that evidence, under the Court's instructions, on the question of recommending life imprisonment? A. Yes, sir. I would consider it if the Court recommended it. By the Court I assume you mean the Judge.

Q. If the Court instructed the jury they could on the evidence, you would consider it? Now, Mr. Levitow, if the Defense — either one or both of these defendants submit evidence of the insanity of one or both of these accused, and the State fails to submit evidence of their sanity, will you follow the Court's instructions as to what is to be done by the jury on the evidence submitted by the Defense and the evidence or lack of it by the State? A. Yes, sir.

Q. You have read newspapers and followed the radio and television about this case, I assume? A. Somewhat.

Q. Did it cause you to form an opinion as to their guilt or their innocence? A. Only I believe there was a statement of a confession. Other than that I would have no basis for saying one way or the other.

Q. In reading of the alleged confession did it cause you to have fixed opinion in your mind that remains in your mind today? A. No.

Q. You have no fixed opinion in your mind today? A. No.

Q. So that you are absolutely open and clear to receive the evidence and follow the instructions of the Court? A. I would say yes.

MR. McDONOUGH: That's all. Thank you.

THE COURT: Mr. Burke.

EXAMINATION BY MR. BURKE:

Q. Mr. Levitow, have you ever been the victim of any violence or robbery or holdup or theft?

A. Violence as far as participation in athletics, yes. But otherwise, no.

Q. I mean like a holdup or some criminal violation?

A. No.

Q. Any members of your family or close friends been the victims of such things? A. Not that I know of.

Q. How did you happen to be summoned here?

A. I was at a Town meeting in Glastonbury last night and Deputy Sheriff Dusseault summoned me after the meeting into this Court.

Q. Did you indicate any opinion or make any statement that you wanted to be on this jury? A. Absolutely not.

Q. You realize that this case will take some little time — three or four weeks is the estimate. Would that in any way interfere with your employment? A. When you say "interfere", it would naturally create a hardship at work; but I would say "interfere" from the standpoint of being criticized for it; no.

Q. I mean, if you did sit here for that length of time you wouldn't be thinking of what was going on back at your place of business so that you couldn't give full attention to this case? A. I would certainly try my level best not to.

Q. I didn't hear? A. I would try my level best, certainly, not to.

Q. Do you think there would be some — A. I don't think so; no.

Q. You said that you had formed an opinion after reading about the confessions of these men. I assume that was that they were guilty? A. That's right.

Q. And that opinion you discussed with others, did you? A. Very generally, to the best of my recollection.

Q. Did you make any statement as to what you thought the punishment ought to be? A. No. We discussed it a number of times but none of us were well enough versed to form an opinion which would be concrete and definite.

Q. But it was an opinion? A. It was a thought; yes. Probably within ourselves.

Q. You say that you do or do not have that opinion today? A. I have no particular opinion other than, as I say, I read nothing further. We have been away for several weeks so I have read nothing about this particular case for the last three or four weeks as a minimum. As far as the opinion goes, it still reverts back to what I thought on reading that there had been a confession. I just assumed, naturally, there was guilt.

Q. Mr. Levitow, do you believe that it would take some evidence from the defendants to disabuse your mind of this opinion of guilt? A. Not after the instructions that I heard from the Judge.

Q. As it stands right now you are prepared to go into the jury box with an open, fair and impartial mind?
A. Yes.

Q. And you believe in our jury system, Mr. Levitow?
A. To the best of my limited knowledge of it, yes.

Q. And do you believe that a man is entitled to be tried by a fair and impartial jury? A. Oh, absolutely.

Q. And you would have no fear yourself of being

tried by a jury of men of your mind and disposition?

A. No.

Q. I think this was asked, but I can't recall whether it was or not. Would you give greater weight to the testimony of police officials, police officers, State Police officers, than you would give to the average citizen?

A. The question wasn't asked.

Q. I'll ask it. A. I would assume it would probably depend upon the nature of the testimony.

Q. Do you think that some of the police testimony you would give greater weight to than you would give to that of some other citizen? A. Quite possibly, yes.

Q. What type testimony would that be, Mr. Levitow?

A. Where I felt it was pertinent to the work which they are doing and for which they are trained, as against a layman.

Q. You mean such as ballistic experts? A. Yes. No question there. Fingerprints.

Q. How about investigations which they claim to have made, and their findings from these investigations? Would that weigh heavier because it was testified to by a policeman, than the testimony of a citizen? A. I would assume you are referring to an investigation along the type of work in which they specialize in. It would stand to reason, yes.

Q. You would give greater weight to that? A. Yes.

MR. BURKE: I think that's all.

THE COURT: Mr. Bill?

EXAMINATION BY MR. BILL:

Q. I think, Mr. Levitow, that you did say you believe in capital punishment, didn't you? A. I did not say that, sir.

Q. Do you? A. I said that I have no fixed opinion.

Q. Are you opposed to capital punishment? A. I didn't say that.

Q. No. I mean — A. I have no definite opinion on it as to whether I am for or against capital punishment.

Q. It might be, of course, if you are selected as a juryman, you would be called upon to make a choice on a situation of that sort. Can't you tell us now how you feel about it? A. I'm sorry; what little controversy I have read about —

Q. I don't mean this case. A. No. Speaking generally.

Q. Suppose you sat on a jury, and under the instructions of the Court and what you have learned of the law from the Court you found that the facts were sufficient in your mind to come to the conclusion of murder in the first degree. That means the death penalty. A. Yes.

Q. Would you refuse to come to that conclusion because the death penalty followed? A. No.

Q. Then to that extent you believe in it, don't you? A. To that extent, yes.

Q. You would not vote for murder in the first degree because you didn't believe in the death penalty, would you? Putting it another way? A. I wouldn't — Would you repeat that?

(Last question read by reporter.)

THE COURT: I think the question is wrong, Mr Bill. Go ahead.

Q. Knowing that first degree murder followed with the death penalty, would you refuse to come to the conclusion of murder in the first degree, even though you

thought the facts warranted it, just because it did carry the death penalty? A. No.

Q. And it would impress you, would it not, that the law of the State of Connecticut calls for the death penalty on murder in the first degree? You know that, don't you?

A. Yes, I believe I do. I understand there is a controversy about it right now. That"s the reason I stated before I have no fixed opinion.

Q. You have never taken part in any of that controversy, have you, one way or the other? That is, in the Legislature? A. No, sir.

Q. Or in any society, or anything of that sort?

A. No, sir.

Q. On this question of the mental capacity of the accused that Mr. McDonough asked you about, and his claim of what he expects to present here in connection with Culombe; on that subject matter you would wait, would you not, until the State had an opportunity to answer that claim with evidence of its own, and consider the whole subject matter as a whole, would you not?

A. Yes, sir.

Q. And that's true of all the evidence, isn't it, as it comes in? You would wait until the conclusion of the case? A. Yes, sir.

Q. Before making your complete decision?

MR. BILL: That's all.

THE COURT: Mr. McDonough.

MR. McDONOUGH: Accepted by Culombe.

THE COURT: Mr. Burke.

MR. BURKE: May I ask one question again, Your Honor?

THE COURT: Yes.

BY MR. BURKE:

Q. Have you contributed or been involved, Mr. Levitow, with any reward for the apprehension, capture and conviction of these men? A. No, sir.

Q. Did you ever participate in anything like that? You did state you would give greater weight in some instances to the police than you would to the average citizen? A. That's right.

MR. BURKE: I would as Your Honor to excuse him for cause.

THE COURT: Oh, no. Would you test the police officer's testimony, if he were produced on the witness stand, by the same standards as you would that of any other witness, to determine his credibility and what weight you would give to his evidence? A. Yes.

THE COURT: What you mean is that you would take a ballistic expert and you would give his testimony more weight than you would of a lay person if you were satisfied that he was telling the truth, is that correct?

A. That's right.

THE COURT: I'll deny your motion, Mr Burke.

MR. BURKE: Excused by Taborsky.

THE COURT: I have to instruct you that you are not to discuss with anyone what has transpired here today, the questions you were asked, the answers you gave, or anything, until a jury is selected and the evidence starts. Then you are free to use your own judgment about anything.

MAY 15, 1957 - 2:50 P.M.

ALICE C. PETERSON, having been previously sworn, was examined and testified as follows:

Q. The first question is easy: Are you a voter?
A. I think, — yes, sir.

Q. How long have you lived in Bristol? A. Sixty-one years or more.

Q. Keep your voice up so that they all can hear. Have you ever had any prior jury service before this?
A. I did.

Q. And where and when? A. The last time was a year ago, in New Britain, in a civil case.

Q. No criminal case? A. No.

Q. Are you married? A. Yes.

Q. Do you have a family? A. Just a husband.

Q. What is his occupation? A. He is retired.

Q. And before he retired? A. He was a die setter in the Ingraham Company.

Q. Do you have any occupation other than as a housewife? A. No.

Q. Have you ever been involved in a criminal proceeding as a complainant, or an accused, or a witness or otherwise, other than a traffic violation? A. No.

Q. Or any member of your family? A. No.

Q. You sat on a civil jury, so that you know the function of the jury in a jury case is to determine what the facts are from the evidence presented in court?
A. That's right.

Q. And you also know, do you not, that the jury must take the law governing the case from the Court?
A. That's right.

Q. You wouldn't have any hesitation in doing that, would you? A. No.

Q. If I were to tell you, and I will if you are selected as a juror, that under our law, these two accused, as they stand here, are presumed to be innocent of the crime with which they are charged, or any other crime, so far as this case is concerned, until and unless the State, by evidence, proves them guilty beyond a reasonable doubt, would you follow that instruction? A. Yes, I would.

Q. If I told you that that presumption of innocence also includes this - that if you were selected as a juror, you would have to eliminate from your consideration as a juror anything you might have read about these men or about this case, or heard on the radio or seen on television or heard in discussion, and that when the case started, you, as a juror, would have to regard them and treat them, and presume them to be absolutely innocent of the crime of which they are charged, until and unless the State proves them guilty beyond a reasonable doubt, would you follow such an instruction? A. Yes, I would.

Q. If I told you, further, that under our law, these accused are not now, nor will they be at any time during the trial, under any duty to produce any evidence to prove that they are not guilty, but that the burden remains upon the State to prove by evidence that they are guilty beyond a reasonable doubt, would you also follow those instructions? A. Yes, I would.

Q. If I were to tell you, further, that our law is that if police officers are produced here as witnesses and testify in this case, as they probably will, that you are to test their credibility - whether or not you believe them - with the same measure and in the same way and by the same standards as you would test the credibility of any other witness who is produced here, will you also follow those instructions? A. Yes, I would.

Q. If I tell you that our law is that as a juror, in arriving at your final verdict, you must eliminate from

your consideration all sympathy you might have for these accused or their relatives, or for the deceased of their relatives, would you also follow that instruction? A. Yes.

Q. If I tell you that prejudice or bias must play no part in arriving at your verdict, would you also follow that instruction? A. Yes.

THE COURT: Mr. Burke?

EXAMINATION BY MR. BURKE:

Q. Mrs. Peterson, have you read in the newspapers about these fellows? A. No, I haven't because I was away during the winter in Florida.

Q. And since you have been back have you heard any discussion or discussed this or other cases? A. No, the most I heard was in this court yesterday when they explained it.

Q. So that as you stand now, I take it, you have no opinion as to the guilt or innocence of the defendants? A. No, I have not formed any opinion.

Q. And you can sit with an open and clear and impartial mind and decide the guilt or innocence of them based only on testimony you hear here? A. I believe I could.

Q. Are you related to any policemen or are you friendly with any policemen? A. No.

Q. You have no close connection with anyone involved in law enforcement? A. No.

Q. In this case the State would bring its evidence forth first, and the defense will then have an opportunity, if it chooses, to bring in its evidence. Would you be able to wait until you heard all the evidence and not make up your mind at the end of the State's case? A. I would have to.

Q. I know you should, but I want to know if you would. A. I would, yes.

Q. In this case, if evidence is produced for you of the mental illness, mental disease or mental incapacity to the extent that either one of them could not form the proper intent for first degree murder, under the instructions of the Court would you consider that in deciding on your verdict? A. I would have to think about that. I don't know if I could give you an answer right away on that.

Q. Would you think about it a little bit and give me your answer? A. You want to know if I would consider that as an excuse? Is that what you mean?

Q. I want to know, in the event defense evidence was produced for you, would you in arriving at your verdict consider that evidence, or would you dismiss it and pay no attention to it at all? A. No, I would put some consideration into that.

Q. You understand, Mrs. Peterson, that the penalty for murder in this state - first degree murder - is death or life imprisonment if the jury recommends it upon a consideration of all of the evidence, and this life imprisonment is without hope of parole; and there is also second degree murder and manslaughter. If the evidence is such and you have heard the instructions of the Court, will you consider all the possible verdicts the jury might come to? A. If I was able to I would.

Q. Would there be something that would prevent you from considering all of them? A. No, not that I know of.

Q. Then you would do that? A. Yes, I would do the best of my ability.

Q. Do you feel, Mrs. Peterson that the testimony of a police officer would be of greater weight, or would you

give it greater belief than you would the testimony of another witness? A. Well, that is hard to say. If you put it another way, maybe I would understand.

Q. Would you believe a policeman's testimony ahead of the testimony of some other witness? A. Yes, I think I would.

Q. And because he was a policeman, you would give his testimony more weight than you would the average person going up on that stand? A. Yes, I think so.

Q. Now, have you ever been the victim of any robbery, violence or hold-up or theft, or has any member of your family? A. No.

MR. BURKE: Think that is all.

EXAMINATION BY MR. BILL:

Q. Do you believe in capital punishment? A. Yes, when it is warranted I do.

Q. That is, if the acts warranted it and you believed them? A. Yes.

MR. BILL: That is all.

EXAMINATION BY MR McDONOUGH:

Q. Have you an opinion, Mrs. Peterson, as to the guilt or innocence of these two men? A. No, I have no opinion.

Q. What papers do you read? A. The Bristol Press.

Q. Do you read the Hartford papers? A. I do - the Courant once in a while.

Q. Did you read about the crime with hich these men are charged? A. No, I was away in Florida and did not get any Connecticut papers.

Q. Or didn't see any television or hear any radio broadcasts? A. No, not down there.

Q. So that there is nothing that caused you to form an opinion? A. No.

Q. Do you know Dr. Bankroft of Hartford? A. No.

Q. Or Dr. Waterman? A. No.

Q. Did your husband ever hold public office? A. No.

Q. Did you ever hold public office? A. No.

Q. Do you or your husband belong to any law enforcement organization? A. No.

Q. You have no feelings against capital punishment? A. No.

Q. Have you read any of the headlines on capital punishment? A. No.

Q. It is just a feeling that you have that it should be carried out if warranted? A. Yes.

Q. In this case if the evidence warrants returning a verdict of murder in the first degree, and the penalty was death, you wouldn't hesitate to return it? A. That's right.

Q. If the evidence justified it? A. Yes.

Q. Our law provides that the jury may, in a finding of murder in the first degree, recommend life imprisonment.

Q. If the evidence recommends - if the evidence shows that you should recommend life imprisonment, would you do it? A. Yes, I think I would.

Q. Under the instructions of the Court would you render a verdict recommending life imprisonment if the evidence warranted it? A. Yes.

Q. There will be evidence that this man Culombe, at the time of the commission of the crime, did not have

the mental capacity to form a judgment or an understanding of the nature and character of the crime. Having heard such evidence, would you consider it seriously in deciding a verdict in this case? A. Yes, I think I would.

Q. His Honor will probably charge the jury that the failure of an accused to take the stand and testify - that because of such failure, the jury can draw an inference. You would follow His Honor's instructions in that respect, wouldn't you? A. Yes.

Q. And in drawing an inference, Mrs. Peterson, on his failure to take the witness stand and be a witness, would you consider evidence affecting his mental condition if it was presented to the jury? A. Yes.

Q. You would consider that evidence in concluding why he did not take the witness stand? A Yes.

Q. And if you heard medical testimony that this man was at the time of the crime and has been for many years and is now a moron and in the class almost of an imbecile, would you consider that evidence? A. Why, yes.

MR. McDONOUGH: That is all.

BY MR. BILL:

Q. On this question of mental capacity, you would wait after the accused went ahead with some evidence of mental incapacity - you would wait until the State was given a chance to produce evidence to prove they are mentally competent? A. Yes, if I heard evidence.

MR. BILL: Thank you.

MR. BURKE: I would ask that the lady be excused for cause. She said she would give a policeman's testimony more weight than others.

THE COURT: I will deny the motion. Will you accept or reject?

MR. BURKE: I will excuse her.

MAY 17, 1958 - 3:15 P.M.

BARBARA HILL, having been previously duly sworn, was examined and testified as follows:

BY THE COURT:

Q. Are you a voter? A. Yes, I am.

Q. Are you married? A. Yes.

Q. Do you have a family? A. Yes.

Q. How many do you have? A. I have two girls.

Q. Are they grown? A. One is at the University of Connecticut and one is a freshman in highschool.

Q. Have you ever had any jury service before this? A. No.

Q. What is your husband's occupation? A. He is a teacher.

Q. Where? A. At the Burns School in Hartford.

Q. Do you have any occupation other than that of housewife? A. Yes, I am a teacher at the Northwest School in Hartford.

Q. Have you ever been involved in a criminal prosecution as a complainant, or an accused or a witness, or otherwise, other than for a traffic violation? A. No.

Q. Or any other member of your family so far as you know? A. No.

Q. Under our procedure in a case of this kind, it is the jury's function and duty to determine the facts from

evidence produced here in Court. Do you so understand?
A. Yes, I do.

Q. But the jury must take the law which governs the case from the Court, which is I, and apply it to the facts. If I instructed you that was the law, would you accept it? A. Yes.

Q. If I were to tell you that the law of Connecticut is that these two accused, as they sit here, are presumed to be innocent of the crime with which they are charged, or any other crime, for the purpose of this case, until and unless the State proves them guilty beyond a reasonable doubt by evidence produeed here, would you follow that instruction? A. Yes, I would.

Q. If I told you in connection with that, if you were selected as a juror here, that you would have to eliminate from your consideration as a juror anything you might have read about these men or about this case, or heard on the radio or heard in general discussion, or seen on the television, or conjectured in your own mind, and you would have to give these accused the presumption that the law of Connecticut gives them - that they are innocent until and unless the State proves them guilty by evidence beyond a reasonable doubt, would you also follow that instruction? A. I would try very hard to.

Q. Now, there is another corollary that goes along with that, and that is this: I would instruct you that the law of the State of Connecticut is that neither now nor at any time during the trial of these accused are they under any obligation to produce any evidence to prove they are not guilty or to remove any impression you might have from outside sources about it, and that the duty is on the state now and throughout the trial to prove them guilty by evidence beyond a reasonable doubt, would you follow that instruction? A. Yes, I would.

Q. If I were to tell you that under our law if police

officers are offered here as witnesses - and they will be - you are to test their credibility - whether or not you believe them, or the amount of weight you give their testimony, by the very same standards you test the credibility of any other witness who is produced here, would you follow that instruction? A. Yes.

Q. If I were to tell you further that the law of Connecticut is, if you are selected as a juror, you would have to eliminate from your consideration any sympathy for these accused or their relatives or for the deceased or their relatives and not to allow that to enter into the determination of your final verdict, would you follow that instruction? A. I would try to, yes.

Q. If I were to tell you that neither prejudice nor bias must affect you in any way in arriving at your verdict, would you follow those instructions? A. I would find it difficult to.

Q. Why? A. From what I have heard, I have formed an opinion.

Q. That is from what you saw or heard? A. Yes.

Q. You cannot and the State of Connecticut does not regard them guilty because of anything that has appeared in the paper or on the radio, and you must regard them as innocent until the State proves them guilty beyond a reasonable doubt. Knowing that, couldn't you sit on this case and accord them a fair trial? A. Yes, I think I could.

Q. And based entirely on the evidence presented here? A. Yes.

THE COURT: Mr. Bill?

EXAMINATION BY MR. BILL:

Q. Mrs. Hill, do you believe in capital punishment? A. Yes, I do.

MR. BILL: Thank you.

EXAMINATION BY MR. McDONOUGH:

Q. Do I understand you have or have not an opinion as to the guilt or innocence of these men? A. Well, as I said before, my opinion is based on what I have read.

Q. And that opinion is that they are guilty? A. Right now.

Q. As of today? A. Yes.

Q. There is no question but what you could try to follow the instructions of the Court, but instructions or no instructions, isn't it a fact that that opinion would be taken into the jury box with you until evidence comes in to convince you otherwise? A. Yes.

Q. That is a human element that would enter into your deliberations? A. Yes.

Q. And that opinion would enter into your decision of the case? A. Yes.

Q. You couldn't start off the case with the presumption of innocence? A. No.

Q. The law says that every man is entitled to that presumption. Would you be able to listen to that law and would you comply with it and start your jury service with the presumption of innocence or with the presumption of guilt until you heard evidence of his innocence? A. I think I could maintain an open mind.

Q. Never mind what you think. When you start the case, will your mind be free of any presumption of guilt? Can you, when you take the oath as a juror, honestly say to yourself, "In my mind they are innocent"? A. No.

Q. As a matter of fact, it would be in your mind that they would be guilty? A. Yes.

MR. McDONOUGH: That is all.

MR. BURKE: No questions. I would ask that the lady be excused.

THE COURT: I will deny the motion.

MR. McDONOUGH: I will join in that motion.

THE COURT: I will deny that.

MR. BURKE: An exception, please.

THE COURT: An exception may be noted.

MR. BURKE: Excused by Culombe.

THE COURT: You are excused, but I have to instruct you that you will say nothing of what has transpired here, the questions asked you or the answers you have given until a jury has been selected and the evidence started, whereafter you may use your own judgment. You are excused.

TUESDAY - MAY, 21, 1957 - 10:16 A.M.

(Accused present in court)

THE COURT: Are you ready to proceed, gentlemen?

MR. BURKE: In line with Your Honor's request, I have here a certificate from the Town of East Hartford.

THE COURT: I suppose that should be marked.

MR. BILL: No objection.

THE COURT: That will be Defendant's Exhibit 11.

(Certified copy of Minutes of Board of Finance of Town of East Hartford marked Defendants' Exhibit 11)

THE COURT: Would you care to be heard any further, Mr. Burke?

MR. BURKE: Yes, Your Honor, I feel in view of the fact that this juror in question did participate in

the offering of the reward, and because of the publicity in this case, and all the charges being intertwined, that it is obvious that this juror should be excused.

MR. McDONOUGH: What I am afraid about - the other morning I spoke about this - it probably will get back to this juror and make him a rather difficult proposition.

THE COURT: I will deny the motion.

MR. BURKE: May I have an exception?

THE COURT: Surely.

MR. McDONOUGH: And may I have an exception?

THE COURT: Surely. Call the jury, Sheriff.

MAY 22, 1957 - 10:20 A.M.

GLADYS L. HEISE, having been previously duly sworn, was examined and testified as follows:

BY THE COURT:

Q. Good morning. The first question is easy - are you a voter? A. I am.

Q. And you will keep your voice up, please? A. I will try to.

Q. You told me you were a voter? A. Yes.

Q. Will you tell me how long you have lived in West Hartford? A. Thirty-one years, I think.

Q. You are doing what is perfectly natural and you are speaking loud enough for me, but these gentlemen have to hear you. You say thirty-one years? A. Thirty or thirty-one.

Q. And you are married? A. Yes, sir.

Q. Do you have a family? A. I have.

Q. How many? A. Three children.

Q. How old are they? A. Forty-three, forty-one and thirty-four.

Q. Now, you have told me their age, but I don't know which is which. A. My oldest daughter is forty-three, my next younger, forty-one, and my son is thirty-four.

Q. Now, what is the occupation of the daughter? A. My oldest daughter is not married; she is a teacher in the Newington School.

Q. Your next daughter, is she married? A. She is forty-one and married and lives in Manchester.

Q. What does her husband do? A. He works at the International Business Machine.

Q. And in fact, what is his occupation? A. Well, it is in the repair service.

Q. Maintenance? A. Yes.

Q. Your son - what does he do? A. He is thirty-four and works for the Plax Corporation.

Q. Where is that? A. Bloomfield.

Q. In general, what is his work? A. He is a Junior Executive.

Q. What does your husband do? A. Works for the Aetna Life Insurance Company.

Q. He has been employed there some time? A. Yes.

Q. In what Department? A. The Home Office Audit.

Q. Do you have any other occupation than as a housewife? A. No, sir.

Q. Have you ever been involved in a criminal prosecution, either as a complainant, or an accused, or a witness, or otherwise, other than for a traffic violation?
A. No, sir.

Q. Or any member of your family? A. So far as I know, no.

Q. Have you ever had jury service before? A. I have.

Q. Where and when? A. 1955, Common Pleas Court here.

Q. During that time did you serve on any criminal cases? A. Yes, I think we had one.

Q. Do you remember what the nature of the charge was - in a general way - was it an automobile violation?
A. No, sir, an accident in which somebody was injured.

Q. And the verdict of the jury was guilty or not guilty? A. Guilty.

Q. I started to say to you that under our procedure, which you undoubtedly know, having served on a jury, that the function and duty of the jury is to find facts from evidence produced here in Court only. You understand that? A. Yes.

Q. But the jury must take the law governing the case from the Court, which is I. If you are selected as a juror, would you do that? A. Yes, sir.

Q. The law of the State of Connecticut also is, as you may or may not recall, that these two accused, as they sit here, are presumed to be innocent of the crime with which they are charged, or of any crime, for that

matter, as far as this case is concerned, until and unless the State, by evidence produced here in Court, proves them guilty beyond a reasonable doubt. If I were to instruct you that that was the law, would you follow it? A. Yes, sir.

Q. That involves this: That if you are selected as a juror you must eliminate from your consideration as a juror anything you might have read about these men or read about this case or heard on the radio or heard in general discussion or have seen on television, and start your consideration of this case, giving them the presumption which the law gives them, that they are innocent of the crime with which they are charged until and unless the State proves them guilty beyond a reasonable doubt. Would you follow that instruction? A. I would.

Q. Now, that involves this: Our law also is that neither now nor at any time during the trial are these accused under any duty to produce any evidence to prove that they are not guilty, or to remove any impression that you might have in your mind, which you may have got from outside sources, such as reading, or hearing it discussed, because the burden throughout the case, now and during the entire trial is on the State to prove that they are guilty beyond a reasonable doubt. Would you follow that instruction? A. Yes, sir.

Q. The law of Connecticut also is, and you may have been told this before, that if police officers are put on the stand and testify in this case, you are to test their credibility and whether or not you believe them, what weight you will give their testimony, if any, by the very same standards as you test the credibility of any other witness who is put on the stand. Would you also follow that instruction? A. Yes, sir.

Q. A law of the State of Connecticut is that if you are selected as a juror, you must eliminate from your

consideration any form of sympathy that you might have for these accused or their relatives, or for the deceased or their relatives. Would you also follow that instruction?

A. Yes, sir.

Q. And then, finally, if I were to instruct you that you must not allow prejudice, bias or sympathy in any way to influence your arriving at a verdict, would you follow that instruction? A. Yes.

THE COURT: Mr. McDonough?

EXAMINATION BY MR. McDONOUGH:

Q. Have you any objection to capital punishment? A. No.

Q. Have you followed the newspaper stories relative to this case? A. Only headlines.

Q. Have you seen incidents on television connected with this case? A. I have, but I don't remember them.

Q. Have you listened to the radio broadcasts concerning it? A. No, sir.

Q. Have you heard people discuss the case? A. Off and on, yes.

Q. Well, not only with regard to this case, but have you read articles or heard people listening to broadcasts or read columns about any other case? A. No, sir.

Q. Did you read about Taborsky being a convicted murderer of a man in West Hartford and later being released from prison? A. Yes, headlines.

Q. From what you have read or heard or from anything else, have you formed an opinion of the guilt or innocence of the accused? A. No, sir, because I haven't heard any evidence.

Q. Are you acquainted with Lt. Rome of the State Police? A. Who?

Q. Lt. Rome? A. No.

Q. Are you acquainted with Sgt. Paige? A. No, sir.

Q. Or Commissioner Kelly? A. No, sir.

Q. Or the New Britain Police Department Captain - Captain Hayward or Sgt. Coffey? A. No.

Q. Are you acquainted in New Britain to any extent? A. No.

Q. Did you know any people by the name of Janowski or Mr. Kurpiewski, the men who were killed? A. No, I didn't.

Q. Do you know Dr. Bancroft of Hartford? A. No.

Q. Do you know Dr. Waterman? A. No.

Q. Is your health good? A. Very good.

Q. Is there any reason why you couldn't serve on this jury so far as your personal matters are concerned at home or in business or anything else? A. No reason.

Q. You do not know any of the parties connected with this case? A. No.

MR. McDONOUGH: That is all.

EXAMINATION BY MR. BURKE:

Q. Mrs. Heise, did you know Mr. Wolfson in West Hartford? A. No.

Q. Tell me, have you or any member of your family ever been a victim of any violence, robbery, holdup, theft or anything like that? A. No, sir.

Q. You say you have formed an opinion? A. No, I have heard no evidence.

Q. Have you read in the newspapers anything about

an alleged confession by anybody? A. I only recollect the headlines. I am not particularly interested in the case.

Q. Did you read the headlines? A. I read something about a confession.

Q. Having read that, do you have any opinion or thinking on the matter? A. No.

Q. After you read the man had confessed did you think the man was guilty or not guilty? A. I don't know.

Q. The confession didn't mean anything to you? A. No, it didn't.

Q. Now, in the event, Mrs. Heise, evidence is here produced for your consideration as to the mental health, mental disease or mental incapacity of one or the other of these men, in considering all the possible verdicts which His Honor will instruct you on, will you give consideration to that evidence in arriving at your verdict? A. Yes.

Q. You understand the penalty for first degree murder in Connecticut is death? A. Yes.

Q. Or life imprisonment if recommended by the jury, without hope of parole? A. Yes.

Q. And that recommendation can be made by the jury from a consideration of all the evidence. Now, in considering whether or not you would make such a recommendation, would you consider evidence of mental incapacity or mental illness? A. If the evidence was so presented, yes.

Q. Would you, Mrs. Heise, give greater credibility to the police officer than you would to the average citizen? A. Yes, I think I would - he is better trained.

Q. And for that reason you would give him greater belief than you would the average citizen? A. Yes, sir.

Q. Now, Mrs. Heise, if you were in the jury room and the verdict was eleven to one and you were the one, would you retreat from your position in which eleven others had a different position? A. That is a hard question to answer. I don't know what I would do - it would depend on the evidence.

Q. By that, do you mean you would stand by your opinion until they brought in better logic or better reasons to change your opinion? A. Possibly, yes.

Q. You wouldn't hold out stubbornly against the eleven for no reason, would you? A. No, sir.

Q. Except persuaded in your own opinion?
A. That is right.

Q. You say you have no reason or see no reason why you can't sit here and impartially judge the case?
A. No reason.

MR. BURKE: That is all.

EXAMINATION BY MR. BILL:

Q. I think you said you believed in capital punishment? A. Yes.

Q. How do you pronounce your name? A. Heise.

Q. In connection with evidence of mental condition that Mr. Burke just stated might be introduced at the trial, you said in answer to his question that in considering whether or not you might make a recommendation for life imprisonment, you would consider the evidence and you said you would if it was presented. Do you mean by that you would consider evidence along the line also presented by the State, wouldn't you? A. Yes.

Q. In other words, you would consider all evidence that was presented? A. All evidence, yes.

Q. Before you come to any conclusion on any matter, is that correct? A. Yes.

BY MR. McDONOUGH:

Q. Do you hold public office or have you ever held public office? A. No.

Q. Has any member of your family ever been connected with a police department? A. My father-in-law was a policeman but he has been dead for twenty years.

MR. McDONOUGH: That is all. Accepted by Culombe.

MR. BURKE: If Your Honor please, I would ask Your Honor to excuse Mrs. Heise for cause. She said she would give the policeman's testimony more credibility than other witnesses.

THE COURT: She told me you would test their credibility by the same standard as the testimony of any other witness. I will deny the motion.

MR. BURKE: She is excused.

THE COURT: I have to instruct you that you are not to talk about what happened here, the questions you were asked, or the answers you gave or anything of what happened here, until the jury is selected and the evidence has started, whereafter you are free to use your own judgment. Do you understand that?

THE WITNESS: Yes.

MR. BURKE: Exception, Your Honor.

MAY 22, 1957 - 3:52 P.M.

MRS MARGARET CARINI

EXAMINATION BY THE COURT:

Q. Sit right down, if you will. Are you a voter?
A. Yes.

Q. And are you married? A. Yes.

Q. Do you have a family? A. Yes.

Q. How many? A. I have two of my own children and a foster child.

Q. Your own two children, how old are they?
A. I have a girl eight and a boy ten.

Q. And the foster child is how old? A. Twelve.

Q. Now, how long have you lived in South Glastonbury? A. Fourteen years.

Q. Of course you heard me this morning that any lady with children under sixteen years of age can claim exemption. Did you understand that? A. Yes.

Q. You don't have to, but you can if you want to. Do I understand that you are perfectly willing to serve if you are accepted? A. Yes.

Q. Now, that involves perhaps three to four weeks of trial. Could you work out your situation so that you could give your full attention to this case Tuesday, Wednesday, Thursday and Friday? A. Yes.

Q. All right. Have you ever had any prior jury service? A. No.

Q. What is your husband's employment? A. He works for United Aircraft, and he's a building contractor.

Q. He works for United Aircraft and he is a building contractor, too? A. Yes. He has two jobs.

Q. Where is his building contracting business done?
A. Wethersfield; West Hartford.

Q. I mean, where is his principal place of business? South Glastonbury? A. His office is at home.

Q. But he works all around the county, is that correct? A. Yes.

Q. Now, you don't have any other occupation than as a housewife, do you? A. No.

Q. Have you ever been involved in a criminal prosecution either as a complainant or an accused or a witness or otherwise, other than a traffic violation? A. No.

Q. Or any member of your family, so far as you know? A. No.

Q. In a case of this kind it is our procedure that the jury determines what the facts are from evidence produced here in Court. Do you so understand? A. Yes.

Q. But the jury must take the law which covers the case, from the Court, which is I. Would you follow that instruction if I told you it was the law? A. Yes.

Q. Under our law these accused, as they sit here, are presumed to be innocent of the crimes with which they are charged, or of any crime, for that matter, so far as this case is concerned, until and unless the State, by evidence produced here, proves them guilty beyond a reasonable doubt. If I told you that is the law would you follow that instruction? A. Yes.

Q. Now, that involves this, also, that if you are selected as a juror in this case you must eliminate from your consideration as a juror anything that you might have read about these men or about this case, or heard on radio or heard in general discussion, or seen on television, and start your consideration of the evidence according to that presumption which the law gives them — that is, that they are presumed to be not guilty until and unless the State proves by evidence here in Court that they are guilty beyond a reasonable doubt. Would you follow that instruction? A. Yes.

Q. A corollary of that is this: That under our law these two accused are under no duty to present any evidence here in Court, either now or at any time during the trial, to prove that they are not guilty or to remove any impression that you might have in your mind, if you have any impression, but that the State is under a burden to prove that they are guilty beyond a reasonable doubt, by evidence produced here in Court. Would you also follow that instruction? A. Yes.

Q. If I told you that the law was, and it is, that if police officers are presented in this case and testify, that the jury is to determine — Question withdrawn. If police officers are put on the witness stand here and testify, and you are selected as a juror, you must test their credibility, whether or not you are going to believe them and what weight you are going to give to their testimony, by the very same standards and in the same way that you test the credibility of any other witness who is put on the witness stand, would you also follow that instruction? A. Yes.

Q. If I told you that under our law, that if you are selected as a juror you would have to eliminate from your consideration in arriving at your verdict any feelings of sympathy that you might have for these accused or their relatives, or for the deceased or their relatives, would you also follow that instruction? A. Yes.

Q. And if I told you that neither prejudice nor bias of any kind must enter into your consideration of your verdict, would you also follow that instruction?

A. Yes.

THE COURT: Mr. Burke.

EXAMINATION BY MR. BURKE:

Q. Mrs. Carini, what means was used to summon you here? A. The sheriff came to the house last night and told me that I was to come here this morning.

Q. And your children, you would have somebody take care of them during the three or four weeks that you will be in Court? A. My father is living with me now.

Q. So that you wouldn't be concerned or worried about them while you are here? A. No.

Q. So that your mind would be on the business here, and not thinking of home? A. Yes.

Q. Have you read about these men and about this case in the newspapers? A. No.

Q. You haven't read about them? What newspaper do you read? A. The Hartford Times we take.

Q. And you haven't read any stories about these men? A. No. I was in California during February and March.

Q. During December and January did you read stories about holdups going on? A. I didn't read about it. I heard about it.

Q. And have you discussed this matter with your friends or people that you know? A. No. The only time I discussed it was last night when I knew I had to come in.

Q. And from your discussion have you arrived at any opinion as to the guilt or innocence of these men?
A. Yes and no.

Q. Well, let me put it to you this way: Do you feel that they are guilty? A. If I go by what I have heard I would say yes.

Q. Feeling as you do, that they are guilty, Mrs. Carini, would, you expect the defendants to produce some evidence to show you they are innocent? A. I would expect something.

Q. You have heard, I assume, that they gave a confession? A. Yes, I did hear that.

Q. And do you expect that they would have to produce some evidence here in Court to show you that they are innocent? A. Yes.

Q. And if you went into the jury box you would go in with the idea that they had to produce some evidence that they are innocent? A. Yes.

Q. With that frame of mind do you feel you could start off presuming them innocent, if you would expect them to prove themselves innocent? A. Yes.

Q. Well, you feel they are guilty now, don't you? A. Yes.

Q. And if you went into the jury box you would still feel they were guilty, wouldn't you? A. I suppose.

Q. So if you felt that they were guilty now, you couldn't at the same time presume them innocent, could you? A. Let's say that I would try very hard to listen and find out whether they were or not.

Q. I know that you would try hard and you would probably do the best you could, but could you forget all about or drive from your mind this feeling or opinion you have of their guilt? In fairness to yourself do you think you could do it? A. I don't know.

Q. Well, I'll have to press you for an answer. You don't think you could do it, do you? A. Will you ask me again?

Q. I said, you don't really think that you could presume them innocent, feeling as you do that they are guilty A. I still don't know. I mean, due to the fact that it is in my mind that they are innocent until they are proven guilty, and then they did sign a confession, I just don't know. I wouldn't know — I just don't know.

Q. You also said you would expect them to produce some evidence to show you they are innocent? A. Yes, I would.

Q. If you would expect that and if you would believe that they are guilty do you think — or could you sit on the jury and presume them innocent? "Presume them innocent" means that you had at least a prima facie belief they are until it is proved otherwise. A. Yes.

Q. But you couldn't do that, could you? A. I think I could.

Q. You could presume them innocent, believing they are guilty? A. I don't know.

Q. Supposing we leave it. Do you believe in capital punishment? A. Yes.

Q. And you understand in this state that if the jury comes out with a verdict of guilty of first degree murder the mandatory sentence is death? You understand that? A. Yes.

Q. Now, do you also understand that another part of the law states that if the jury, from a consideration of all the evidence, may recommend life imprisonment without hope of parole? Do you understand that? If His Honor so instructs you and we produce evidence for you here of the mental illness or the mental incapacity or the mental disease of one or the other of these defendants, in considering that verdict and as a part of that verdict a recommendation of life imprisonment will you give that evidence consideration in your deliberations? Is that too involved?

A. You mean if they are found guilty they would be sentenced to death, or if they were found to be mentally ill they would be sent to an institution, and how would I feel about that?

Q. No. I think it was involved. I didn't understand it, hardly, myself. What I mean is this: The jury may recommend life imprisonment after they consider all the evidence, the law says. Now, in this recommendation or in the verdict in which you are deliberating, whether or not you will come out with such a recommendation, would you give consideration to evidence of mental illness or mental incapacity? A. Yes.

Q. You would? A. Yes.

Q. Now, have you or any member of your family ever been the victim of any violence, holdup, theft, or anything like that? A. No.

Q. Are you related to any policemen? A. No.

Q. And are you acquainted with or friends of any State policemen or local policemen? A. Yes.

Q. Which policeman? A. Joseph Varney, from Glastonbury.

Q. Are you quite friendly with him? Does he visit at your home? A. He has in the past.

Q. And in your visits with him, or talks, do you discuss law enforcement or police work? A. No.

Q. Have you ever discussed this case with him?
A. Oh, no. This has been years ago.

Q. Right now, I mean? A. No; not in the past year.

Q. You are not acquainted with Lieutenant Rome of the State Police? A. No.

Q. Or Sergeant Paige? A. No.

Q. Are you acquainted with any policemen in New Britain? A. No.

Q. Do you know Dr. Bancroft? A. No.

Q. Dr. Waterman? A. No.

Q. You hesitated on Dr. Bancroft. He is a psychiatrist in town. A. No, I think I heard the name. I don't think I know him.

THE COURT: Keep your voice up a little bit.

A. No, I don't think I know him.

Q. So you can think of no reason why you shouldn't sit on this jury? A. No.

Q. And you still don't know whether or not you could presume these men innocent, believing as you do now that they are guilty? A. No, I don't.

MR. BURKE: I think that's all.

THE COURT: Mr. Bill.

EXAMINATION BY MR. BILL:

Q. Is your family, your husband's family, the peach growers, well known peach growers over in Glastonbury? A. Yes.

Q. He belongs to that family? A. Yes.

Q. But he is not in the peach growing business, is he? A. No.

Q. What is that? Carini Brothers? A. Not any of them are in the peach business any more.

Q. On this question of your so-called opinion that you have talked about, I understood you to say that during February and March you were out in California?

A. Yes.

Q. So you didn't read much about this case?

A. No.

Q. Involving these men? A. No.

Q. Then I understood that when you were called for duty over here, which was last night, you then did discuss it with some of the members of your family, is that what you did? A. Yes.

Q. And it was there in that discussion that you had got some impression about this case? A. I was briefed.

Q. But you had no personal knowledge yourself of the case, or you hadn't read the newspapers? A. No.

Q. Or you hadn't heard the radio? A. No.

Q. Or the television? A. No.

Q. So whatever opinion you had was simply something you gathered in talking with somebody last night? A. Yes.

Q. Might it be your husband? A. Yes.

Q. And of course you know that a man, before he may be legally convicted, has to be tried in a Court of law in this state? You know that, don't you? A. Yes.

Q. And you know that that is conducted in a formal manner and that only legal evidence is admitted for the jury to hear? You know that, don't you? A. Yes.

Q. And that is the orderly course that you would expect, is it not? A. Yes.

Q. So that anything you might have heard from your husband, that didn't convince you that these were the men and that they were guilty, did it? — Let me ask you this. I withdraw that.

MR. McDONOUGH: I'd like an answer to that.

THE COURT: He can withdraw it. You'll have an opportunity, Mr. McDonough.

Q. Your husband — Where did he get his information, do you know? A. Newspapers.

Q. And radio? A. Radio.

Q. And you knew that you were getting the impression that he got from them? A. Yes.

Q. And he was transferring it over to you? A. Yes.

Q. And of course you knew that he was not there when this crime was committed, or he didn't know anything about whether these men actually did it, other than what he read or heard on radio, isn't that so? A. That's right.

Q. So what you had was merely an impression from him, is that correct? A. Yes.

Q. Isn't it possible for you to sit in the jury box and just concentrate and pay attention only to what evidence might come into this Court here, if you were on the jury — the admissible evidence — and concentrate on it and forget anything you might have heard from your husband? And couldn't you deliverate in the jury room afterwards without letting any of that information that he might have given you, enter into the consideration of this case? A. Yes.

Q. Couldn't you do that? A. Yes.

Q. I think you said you believed in capital punishment? A. Yes.

Q. And if you sit on the jury, on this question of mental incapacity that the attorney talked about, you would listen to all sides of that question, wouldn't you?
A. Yes.

Q. And you wouldn't make up your mind until the whole case was closed on all the issues, and ponder over them and consider them very carefully and come to your conclusion on all those issues, would you not? A. Yes.

MR. BILL: Thank you.

THE COURT: Mr. McDonough.

EXAMINATION BY MR. McDONOUGH:

Q. You heard Mr. Burke's statement to the panel this morning about what a jury trial means? You recall that?
A. Yes.

Q. And you agree that it is a serious and a precious right, isn't it? A. Yes.

Q. A right to a trial by jury? And do you agree that a person who has a trial by jury should get an unbiased and an unprejudiced jury free of fixed opinions as to their guilt? A. Yes.

Q. Do you feel now that you can sit on a jury where these men's lives are at stake, after having been briefed, as you put it, and from that briefing formed an opinion of guilt, and give these men such a trial? In fairness to yourself and to them and to our jury system? There are lives at stake. Do you? It's important. It's important to them, of all people, and to our system. For the time being I'll withdraw that so you can mull it over in your mind. By "briefing" what do you mean? Your husband gave you his viewpoint of the case, as he had read it and followed it, isn't that right? A. Right.

Q. And then gave you his honest opinion of what he thought of their guilt or innocence, didn't he?
A. Right.

Q. And what was the opinion that he gave you?
A. It wasn't good.

Q. The opinion was that they are guilty, isn't that right? A. Right.

Q. And did his opinion and his reason sound logical and sensible to you? A. Well, he has a vacation coming up May 31st and he was quite forceful in his attitude.

Q. What did the vacation have to do with it?

A. He didn't want me to be on the jury.

Q. Did he convince you that these men were guilty, with sound and logical arguments and honest arguments? Did he convince you, the way you looked at his reasons, that these men were guilty? If he did, say so.

A. Not entirely.

Q. But there is a feeling of guilt that you received from the arguments that he advanced, isn't that so?

A. Well —

Q. I'll withdraw that question. Would you like to be on trial yourself in any matter where a person had had arguments of the same nature advanced to somebody going on the jury? A. Possibly not.

Q. That's just the way we feel here. So do you think, in fairness to these men, that you can sit? A. I still don't know. I really don't. I want to be honest. I want to be honest with myself and just want to be honest about it, and I really don't know.

Q. Then your answer is, you can't say that you would be able to? Is that your fair and honest answer?

A. If I were in the jury box I would have to be honest, regardless of anything I heard before.

Q. We know you would be honest, but that isn't the question.

Q. After this forceful argument that you told us about, the vigorous one — And they were sound, weren't they, that your husband advanced? A. I didn't argue. I just listened.

Q. And you came to a verdict, didn't you, on his arguments, that these men were guilty? A. No, I didn't. I just listened. I knew there was a vacation involved. That's about the size of it.

Q. And that enters into it, too, so this case won't be finished by the 31st of May? A. No.

Q. So what is going to happen to your vacation? What is going to happen to your domestic bliss?

A. Nothing. I have a very easy-going husband.

Q. Won't it upset you if he is upset and doesn't go on that vacation and you are sitting here on the trial? Won't you have it in mind? A. No. No, I wouldn't, if I had —

Q. Have you, after listening to these forceful arguments by your husband, dismissed them as having no basis to them? A. No. He read it in the paper. How could you just dismiss it?

Q. Will you dismiss them? A. Will I dismiss them?

Q. Yes. Have you dismissed them? A. Have I, or will I?

Q. Have you? Will you? Have you dismissed them now? You are being examined now? A. Have I dismissed them? No. Will I dismiss them?

Q. Yes? A. Yes.

Q. Will you? How do you know you will? What makes you sure that you will? A. Because as I said before, I'd have to be honest with myself, and if I was honest with myself then I couldn't listen to anybody else's opinion. I'd have to wait and hear the evidence itself.

Q. But how do you know you can dismiss them after you go into that jury box? A. Because I'll have to.

MR. BILL: I object to that.

THE COURT: I won't pass on it because she answered it. I don't think the answer was anything but a proper response. Go ahead.

Q. You've got an opinion of guilt now, haven't you? That's what you so testified.

THE COURT: Let her answer it. Have you got an opinion now that they are guilty or not guilty?

A. I feel that they must have been some guilty or they never would have signed the statement that they are guilty.

Q. And that came about as a result of the forceful argument to convince you of their guilt, isn't that so?

A. It was mentioned.

MR. McDONOUGH: That's all.

MR. BURKE: May I ask the lady a question?

THE COURT: Surely.

EXAMINATION BY MR. BURKE:

Q. Your husband doesn't want you on this jury, does he? A. No.

Q. And in this argument that he gave you he gave you his opinion as to what should happen to these men, too, didn't he? A. He sure did.

Q. And do you think that if you were on this jury and he was — well, wanting to go on a vacation and unable to go, that he will discuss this matter with you at home at the supper table? A. No, it won't be at home at the supper table. Not in front of the children.

Q. After the children are put to bed will he discuss the fact that he is not on his vacation because you are sitting here on the jury? A. Not too much, because he probably knows pretty much by now that I have a mind of my own.

Q. But you respect your husband's opinion, don't you?

A. Yes, I do.

Q. And his judgment? A. Yes, I do.

Q. And when he argued with you last night he apparently was quite persuasive and he did persuade you to some form of an opinion as to the guilt of these men?

A. Not that so much as that he just didn't want me to do what I felt was my duty. I could have gotten out of it from the beginning on account of the young children, but I have a conscience.

Q. I respect that. But what I would like to know respecting your husband's judgment and opinion, he already having a strong one, apparently, as to the guilt of these men and what should happen to them. Don't you honestly feel it would have an effect on your judgment and thinking? A. No.

Q. Not at all? A. No.

Q. You told me that you had an opinion of guilt and you didn't know whether or not you could sit in this jury box, believing them guilty, and at the same time according them the presumption of innocence?

A. When I walked into that box they would be innocent until proven guilty, as far as I'm concerned.

Q. You could just pull the shade on any opinion or judgment or thought that you had that they are guilty?

A. I would have to.

Q. The law says you'd have to. A. I'd have to for my own peace of mind.

Q. And you could do it? A. Yes.

Q. And would you do it? A. Yes.

Q. And you would have no trouble doing it? A. No.

Q. And you'd have no difficulty at home with a husband of opposite persuasion?

THE COURT: Don't you think you have gone into that pretty fully?

MR. BURKE: I know, Your Honor; but at the same time I know that at home, in the intimacy of the home, husbands' or wives' opinions can be pretty effective.

THE COURT: Mr. Burke, my only question was, don't you think you have covered it pretty thoroughly?

MR. BURKE: All right, Your Honor.

BY MR. McDONOUGH:

Q. This conversation took place last night? A. Yes.

Q. Less than twenty-four hours ago? And you say he expressed to you the punishment that should be meted out to them, didn't he? A. Yes.

Q. And what was that punishment that he expressed? A. He said they ought to be taken out and shot.

MR. McDONOUGH: Thank you very much. Thank you for your fairness.

THE COURT: Mr. Bill, you are first.

MR. BILL: Accepted by the State.

MR. McDONOUGH: I move the lady be excused. She has very thoroughly stated the situation. Within twenty-four hours, she testified, she has been given vigorous argument as to the guilt of the accused, and that they ought to be taken out and shot.

THE COURT: Mr. McDonough, I'll deny the motion.

MR. McDONOUGH: Accepted, Your Honor.

MR. BURKE: I'll join in the motion, Your Honor.

THE COURT: I'll deny that, too.

MR. BURKE: May I have the same exception?

THE COURT: You may. Mr. McDonough?

MR. McDONOUGH: Accepted.

MR. BURKE: Excused, Your Honor.

THE COURT: You are keeping book, too, are you not, Mr. Burke?

MR. BURKE: Yes, Your Honor. I have just run out of challenges.

THE COURT: Yes. Mrs. Carini, you have been excused. Your vacation is intact. But I have to instruct you that you must not talk about this, even with your husband, what they asked you, what you answered, or anything else, until — You mustn't talk about this and you can tell him I said you mustn't, anything that happened here, anything you said, anything they asked you, until a jury is selected and the evidence starts in this case, whereafter you may use your own judgment. Clear?

MRS. CARINI: Yes.

THE COURT: And you can say the Court told you exactly that. Don't discuss anything that happened here until a jury is selected and the evidence starts. Thank you very much.

MAY 23, 1957 - 2:15 P.M.

DAVID M. BRADLEY, having been previously duly sworn, was examined and testified as follows:

BY THE COURT:

Q. Sit down, please. The first question is easy. Are you a voter? A. Yes, I am.

Q. Keep your voice up, please. Are you married? A. Yes, I am.

Q. Do you have a family? A. Yes, I do.

Q. How many? A. Two boys.

Q. How old are they? A. Three and a half and one year.

Q. Will you tell us how long you have lived in West Hartford? A. Three and a half years.

Q. Before that where did you live? A. Four years in Hartford.

Q. And before that where did you live? A. New Haven for the rest of my life.

Q. What is your occupation? A. I am Division Employment Supervisor of the Southern New England Telephone Company.

Q. Located in Hartford? A. In Hartford.

Q. Does your wife have any other occupation than as a housewife? A. No.

Q. Have you ever done jury duty before? A. I never have.

Q. Have you ever been involved in a criminal prosecution, either as a complainant or an accused, or a witness, or otherwise, other than for a traffic violation? A. No, sir, I have not.

Q. Or any members of your family so far as you know? A. No, sir.

Q. Under our procedure in a case such as this, which is a jury case, the jury determines what the facts are from the evidence produced here in Court. Do you understand that? A. Yes, sir.

Q. But the jury must take the law governing this case from the Court, which is I. If you are selected as a juror would you do that? A. To the best of my ability.

Q. The law of Connecticut also is that these accused as they stand here, are presumed to be innocent of the crime with which they are charged, or any other crime for that matter, so far as this case is concerned, until and unless the State, by evidence produced here in Court, proves them guilty beyond a reasonable doubt. If I told you that was the law, and you were a juror, would you follow that instruction? A. To the best of my ability, I would.

Q. That involves this - that if you are selected as a juror you would have to eliminate from your consideration as a juror anything you may have read about these men, or anything you may have read about this case, or heard on the radio, or heard in general conversation, or seen on television, and you would have to start the case as a juror, extending to them a presumption which the law gives them that they are innocent, that they are not guilty of the crime with which they are charged until and unless the State, by evidence produced here in Court, proves them guilty beyond a reasonable doubt. Would you follow such an instruction? A. I think I would have to do so.

Q. This is another corollary that goes along with it. Under our law, these accused are not now, nor will be at any time during the trial, under any duty to produce any evidence to prove that they are not guilty or to remove any impression which you may have in your mind now, but the burden is on the State throughout the trial to prove, by evidence produced here in Court that they are guilty beyond a reasonable doubt. If I charged you that were the law, and it is the law, would you follow it?
A. I would, sir.

Q. Now, the law of Connecticut also is that if police officers take the witness stand and testify in this case, as they probably will, you are to test their credibility, whether or not you believe them, or the amount of weight you

would give their testimony, if any, by the very same standards as you test the credibility of any other witness who is put on the witness stand. Would you follow that instruction? A. I would, sir.

Q. If I told you further that the law of the State of Connecticut is that in your consideration in arriving at a verdict that you must eliminate from your consideration any feeling of sympathy that you might have, either for these accused or their relatives, or for the deceased or their relatives, and decide this case entirely on the evidence produced here in Court, would you follow that instruction? A. I could do that, yes, sir.

Q. Finally, if I were to instruct you that the law also is that you must not allow prejudiced or bias of any kind to influence you in arriving at your verdict, would you follow that instruction? A. Yes, sir.

THE COURT: Mr. Bill.

EXAMINATION BY MR. BILL:

Q. Mr. Bradley, do you believe in capital punishment? A. If the guilt is beyond a question of doubt, yes, sir.

Q. That is, if the law is that and the proof is beyond a reasonable doubt, and you were sitting on the jury, and the facts added up to that and it was proven beyond a reasonable doubt by the State, you wouldn't hesitate to bring in a verdict of guilty in the first degree which carries with it the death penalty? A. If I was convinced, no.

Q. There isn't any doubt but what the Court would charge you that. Would you follow that - would you follow that if that is the rule? It has to be beyond a reasonable doubt - it isn't all doubt. A. Yes, sir, reasonable doubt, I would.

Q. If it met that test and the facts warranted it, you would bring in a verdict of murder in the first degree if it was beyond a reasonable doubt? A. Yes.

MR. BILL: That is all.

EXAMINATION BY MR. McDONOUGH:

Q. You mean that if there was a doubt in your mind - a reasonable doubt - you would hesitate before your verdict - a verdict that meant the death penalty? A. If there was a reasonable doubt, sir.

Q. Have you read the newspapers regarding the activities of Taborsky and Culombe? A. To some extent, yes.

Q. Have you listened to radio broadcasts? A. Yes, sir.

Q. Have you watched it on television? A. No, I have not.

Q. Have you heard people discussing the murders of Taborsky and Culombe -- the murders they are charged with being implicated in? A. To some degree probably, but it hasn't been anything definite.

Q. Have you heard people express to you or while in your presence the opinion as to Culombe or Taborsky's guilt or innocence? A. I don't recall specifically that I have.

Q. Have you heard anyone express in your presence an opinion as to the punishment these two men should receive? A. I don't believe I have.

Q. Are you acquainted with Lt. Rome of the State Police? A. No.

Q. Or Sgt. Paige? A. No.

Q. Or Captain Hayward or Sgt. Coffey of the New Britain Police Department? A. No, sir.

Q. Are you acquainted with Dr. Bancroft? A. No, I am not.

Q. Or Dr. Waterman? A. No, sir.

Q. You have done business with none of the attorneys in this case? A. No, sir.

Q. Or as far as you know, your family hasn't?
A. No, sir.

Q. So far as the personalities involved in this case are concerned they are all strangers to you?
A. Absolutely.

Q. Now, if evidence is introduced as to one or both of these defendants which bears on their mental stability or instability, will you consider that evidence in arriving at your verdict? A. I think I would consider that evidence if I was charged by the law. I am not familiar with it to the extent you are.

Q. You would receive it under the instructions of the Court and use it in accordance with the Court instructions, is that it? A. I would try to follow the Court's instructions.

Q. In applying that evidence? A. I would.

Q. If the defense, by claims and by evidence, submitted or raised the question of the sanity of the two accused at the time of the crime, or one or both of them, and the State submitted evidence on the sanity of one or both of them, you would consider that evidence as a whole, wouldn't you? A. I would be obliged to if that situation arose.

Q. And the Court charged the jury that the defense, having raised the claim of insanity and submitted evidence to you, then the duty of the State - it was the State's duty to prove them sane - would you follow the

Court's instruction in reaching your verdict under the charge? Let us put it that way.

THE COURT: May I say to you, if you don't understand any of the questions asked, don't try to answer. I got lost on that one.

MR. McDONOUGH: I don't blame you.

Q. If the defense raised the question of their sanity through evidence and then the Court told the jury that the defense, having done that, it was the State's job to prove they were sane, would you follow that instruction and make them prove they were sane? A. As I understand it, it is the State's obligation to prove its case, and I would in that case, being charged by the Court.

Q. To prove they were sane - to make the State prove them sane? A. If the charge of the Court were there.

Q. Would you give greater consideration or weight to the testimony of a police officer than to any other citizen? A. I would not.

Q. You would not? A. No.

Q. If evidence was introduced on the mental condition of Culombe and it was allowed by the Court and he failed to take the witness stand and put on evidence on his own behalf, and the Court instructed the jury that you could consider that failure to testify as an inference, you would follow the instructions of the Court in that respect, wouldn't you? A. As an inference of his inability or his lack of capacity?

Q. Yes. A. I would try to follow the instructions of the Court.

Q. And all the evidence? A. I certainly would.

MR. McDONOUGH: That is all.

EXAMINATION BY MR. BURKE:

Q. Mr. Bradley, in this capital punishment business, you say you would follow the law as to capital punishment?
A. Yes.

Q. And as I recall it, you said you want it proved beyond any doubt that they were guilty before you would want them sentenced to death?

MR. BILL: Objection, he said reasonable doubt.

THE COURT: He said beyond a reasonable doubt.

MR. BILL: I was certain he said any doubt.

THE COURT: I will sustain the objection.

Q. What did you say about this doubt - you needed or didn't have to have on capital punishment? A. Now it is directed to the question if they had proved them guilty beyond a reasonable doubt.

Q. In order for you to vote for the death penalty verdict - a verdict of guilty of murder in the first degree without a recommendation of life imprisonment, you say all you would need is proof beyond a reasonable doubt that would satisfy you? A. Beyond a reasonable doubt, sir.

Q. Now, as you know, the law says if a man is guilty of first degree murder the penalty is death, or upon recommendation of the jury upon consideration of all the evidence as part of the verdict, they may recommend life imprisonment without hope of parole. Now, would you in your deliberating as to the verdict you would bring out, give consideration to that portion of the law? A. I think at that point it would depend on the reasonable doubt area. If there were any whisper of a doubt, I would be inclined to consider that part of the law. If there were no doubt in my mind I would consider the full sentence.

Q. Now Mr. Bradley, have you or any member of your family or close friend ever been the victim of a holdup, robbery, theft, breaking and entering or violence? A. No, fortunately, we have not.

Q. Are you related or friendly with any policemen? A. No, sir.

Q. I don't mean passing acquaintance? A. No.

Q. I mean real pals? A. No.

Q. And no State Police? A. No.

Q. Have you ever been engaged in police work? A. No, sir.

Q. Or any law enforcement work? A. No, sir.

Q. Has any member of your family? A. No.

Q. Now, you say you did read about the activities of Taborsky and Culombe? A. Yes, sir.

Q. And what paper did you read? A. Primarily the Times and the Courant.

Q. And you read stories about their alleged confessions? A. I have.

Q. And at the time you read them did you feel they were true? A. As presented in the paper I wouldn't say I openly doubted it. I didn't see any evidence of a confession based on evidence or knowledge.

Q. Well, from reading that they confessed did that influence your thinking any? A. I assumed it was accurate reporting and I assumed it to be true.

Q. Assuming that, Mr. Bradley, did it affect your thinking any? A. In what respect?

Q. Do you have any impression or belief or opinion as to the guilt or innocence of these men from what you

read in the papers? A. I have no conviction. I have read the news as news and accepted it at face value and with other evidence.

Q. Didn't it have any effect on your thinking after you read something in the newspaper to the effect that they confessed to various crimes? Would that have any influence on your thinking? A. Are you thinking of emotions?

Q. No, as to forming an opinion without other evidence at present, have you based any opinion on your reading the newspapers which stated that the men had confessed to these killings? You say you read it. I would like to know if it had any influence whatsoever on your thoughts or opinion? A. I read it as fact and accepted it as that as far as the incidents reported in the paper.

Q. Assuming then you accepted the fact the men had confessed to these killings, would that influence your opinion as to their guilt or innocence? A. Yes, it has affected my thinking as of right now without other evidence present.

Q. What is your thinking as of right now about the guilt or innocence of these men? A. My thinking as of right now and lack of any other evidence as would be produced in Court, would be that the facts are as established.

Q. Does that mean you have an opinion they are guilty or innocent, Mr. Bradley? A. I have no conviction. I have an opinion as the result of the publicity given the case that they are probably guilty.

Q. What is your opinion right now from what you know about this case, that they are probably guilty?

A. That would be correct.

Q. And you have had this opinion since reading the newspapers back when they reported the confessions?

A. Yes, sir.

Q. Would you say that this opinion is fixed in your mind as of right now, Mr. Bradley? A. I believe I can have an open mind and accept evidence as presented, and I would say I believe I can have an open mind and accept evidence as presented to the jury and weigh it and not be overwhelmingly influenced by previous reading about the case.

MR. BURKE: Would you please read my question?

(The reporter read the last question)

Q. Would you answer that question? A. No, I would not say it is a fixed opinion.

Q. Then it is an opinion which you have had up to now, but you can discard if you went on the jury? A. Yes, sir.

Q. And you can sit on the jury impartially and not be bothered by the opinion you have had for a couple of months? A. Yes, sir.

Q. And you don't feel the opinion you had and you have now would effect or influence you in the consideration of this case? A. No, sir, I don't.

MR. BURKE: I think that is all.

EXAMINATION BY MR. McDONOUGH:

Q. I have some more questions. You did have an opinion that they were guilty after reading the confessions? A. Yes, sir.

Q. Now, you haven't got that opinion today? A. I say, sir, in the light of other evidence presented, I think I can look at it on an unbiased basis.

Q. Suppose there was no other evidence presented, would that opinion still exist which you formed from reading the newspapers? A. I think the factors of evidence in Court would overcome my previous thinking.

Q. Supposing the accused offered no evidence of their innocence, would you then retain your opinion you had formed from reading about the confessions - that they were guilty? A. To the best of my ability I would consider it and all the evidence presented.

Q. The question is would you retain that opinion, yes or no? A. I think no, sir. That is a hard question.

Q. I know you are trying to be fair and accurate, Mr. Bradley. You used one expression - "I wouldn't be overwhelmingly influenced". What did you mean by that?

A. In what regard?

Q. You said, "I would not be overwhelmingly influenced". Would you be influenced to some extent?

A. By the previous publicity?

Q. By reading about the confessions. A. I would try not to.

Q. The answer has to be would you or would you not? We know you would try, but would you or would you not be influenced at all? A. I don't know if I can make a flat answer on that. I think I would not.

Q. That is the best you could do. All right. But you are not sure, are you, that you would not require evidence to remove that opinion? A. I am not certain. I think, as I said, I would be able to do it on an impartial basis.

Q. Now, we will come to this, Mr. Bradley. Mr. Burke asked or inquired along the line of the recommendation of the jury for life imprisonment instead of a verdict of first degree murder which carries the death penalty. If there was evidence warranting or evidence affecting a recommendation for life imprisonment, would you give that evidence the consideration with respect to considering a recommendation by the jury for life imprisonment?

A. Yes, I would.

Q. As a matter of fact, I think you used the words to Mr. Burke that unless you were satisfied beyond a "whisper of a doubt", you would recommend life imprisonment. Did I understand you correctly? A. I made that statement.

Q. And it was your feeling? A. Yes.

MR. McDONOUGH: That is all.

MR. BURKE: May I move to excuse this gentleman for cause?

THE COURT: I will deny the motion.

MR BURKE: May I have an exception?

THE COURT: Surely.

THE COURT: Mr. Bradley you are excused, but I have to instruct you that you are not to talk about what went on here at all, the questions asked or the answer given, until the jury is selected and evidence starts, whereafter you may use your own judgment. Do you understand?

THE WITNESS: Yes.

THE COURT: You will follow that?

THE WITNESS: Yes.

THE COURT: You are excused.

(The witness was excused)

* * * * *

LIEUTENANT LOUIS EDWARD HARPER, on the witness stand:

* * * * *

MR. McDONOUGH: Just a moment, Lieutenant, I object to such a procedure on the witness stand. The very act in itself is going to be comment if it is followed up. It is a proceeding which should be conducted in the State's Attorney's office. It is very dramatic to begin with.

THE COURT: Let us understand each other. I take it the State's Attorney makes the offer with the deletion and is doing so that there will be no question about what the witness is doing and cutting out.

MR. BILL: Yes, for identification.

THE COURT: I think in order to avoid any inference from it I will excuse the jury and let him do it on the witness stand, if that is what you want.

MR. McDONOUGH: Yes.

THE COURT: The jury will retire to the jury room and the alternates also.

(The jury was excused at 11:22 A.M.)

MR. McDONOUGH: (In the absence of the jury): I object, Your Honor—I object to Your Honor's ruling that it should be done in the courtroom, and object to Your Honor's statement made in the presence of the jury as it will carry an impression to the jury that there is something awesome or gruesome going to be cut away from the picture. This is a procedure which the State's Attorney should have done in his office and should make the offer accordingly. If it meets the rule of evidence it will be admitted, but this is a dramatic way of doing it in front of the jury. I want to object to what has been done.

THE COURT: The record will show your position on it.

MR. BURKE: May I have an exception?

MR. BILL: I want to explain why it has to be done this way for the record. I can't take any paper that is marked for identification and tamper with it and do that up in my office and cut it up and come down here and try to take something out of whatever it is that has been offered for identification. That is self-evident.

MR. McDONOUGH: There is an answer to that. The Exhibit marked for identification could have been withdrawn.

THE COURT: You are objecting to it?

MR. McDONOUGH: Yes.

THE COURT: Now, will you take the scissors—

MR. BILL: Before that is done, I notice the part that is to be cut out is the part which is marked for identification.

THE COURT: Why not have it cut out and have it marked again after the cutting is done. Have it marked as a double marking.

THE WITNESS: May I ask a question? You want what cut out?

MR. BILL: Just around the form of the body.

THE WITNESS: This is his coat.

MR. BILL: Well, the clothing—right there.

(The witness complied.)

THE COURT: Has he completed it?

THE WITNESS: Yes, I have, sir.

THE COURT: Take the scissors from him, Mr. Bill. Call the jury.

MR. McDONOUGH: Just a moment. May I examine the witness?

THE COURT: About what?

THE COURT: Yes.

MR. McDONOUGH: May I ask what the State offers now?

MR. BILL: I haven't offered anything yet.

THE COURT: That is what I was wondering.

MR. McDONOUGH: I assumed the witness was going to offer what was cut.

MR. BILL: I will offer this, to save time—to save the jury running in and out—, but I want to ask one question. I started to ask him and he shut me off.

MR. McDONOUGH: I didn't mean to do that.

BY MR. BILL:

Q. This you just cut off—will you hand it to me? That is the part you cut; which is now—strike that—that is the part you cut just now on the witness chair from State's Exhibit B for identification, is it not? A. Yes, sir.

MR. BILL: Now, I will offer it.

EXAMINATION BY MR. McDONOUGH:

Q. Lieutenant Harper, is this what is now being offered a true representation of a photograph that you took on the night of December 15th at the gasoline station in New Britain, yes or no?

MR. BILL: I object to that.

THE COURT: I will sustain it, he doesn't have to answer that yes or no.

MR. McDONOUGH: An exception, please.

THE COURT: Certainly.

Q. Is this what is now offered a true representation of what you took at Kurp's gasoline station—the picture you took in Kurp's station on the night of December 15, 1956?

MR. BILL: Objection.

MR. McDONOUGH: Claim it.

THE COURT: It is obviously not—it is a part of it.

MR. McDONOUGH: I want it for the record. This is a new offer being made.

THE COURT: But it is a part of this exhibit.

MR. McDONOUGH: I want the witness to testify to it.

THE COURT: He can't answer your question. It isn't the entire picture and we know it isn't. I will sustain the objection.

MR. McDONOUGH: Exception.

THE COURT: Certainly.

MR. BURKE: May I have an exception?

THE COURT: Yes, and to the previous ruling.

Q. Showing you what is being offered as an exhibit, what is that picture of? A. That is a picture of a body.

Q. And where did this picture come from?
A. Right here.

Q. We don't know where here is. A. From this section of the picture—from State's Exhibit B.

THE COURT: For identification?

THE WITNESS: For identification.

Q: In other words, it isn't the full picture you took, is it—it is a cutout of a picture you took, isn't it?

A. Yes.

Q. The answer is yes.

MR. McDONOUGH: I object if the Court please, first on the ground that it is not a true representation of the photograph that the Lieutenant took that night. It isn't a question of whether or not it is a part of a photograph that in itself was not admissible. Any exhibit that is not admissible in itself because parts of the exhibit make it inadmissible—the whole exhibit becomes inadmissible. It is damaging and it is prejudicial by the inadmissible parts. It is a distortion—that is what it amounts to—and to be very frank, Your Honor, and I use this word sincerely, not merely for emphasis, this is a horrible thing to show to the jury. This shows a picture of the dead man on a stretcher that was not on a stretcher after the alleged shooting. This is a stretcher that was provided by the police officers, and the body had been moved from the position it apparently had been in and it is our claim that it was not done by any of the acts alleged of the accused. This offer shows a man on a stretcher, and the act that the accused had nothing to do with, the putting or placing on the stretcher of something for perhaps medical treatment or for the purpose of removing the body of the dead man. It is offered, as the State says, merely for the purpose of establishing who the dead man was.

MR. BILL: No, that's not so.

THE COURT: Let him finish.

MR. McDONOUGH: That is as I understood it. If it is being offered for that purpose, I submit that is not necessary. There is no question in my mind, and I believe and

hope your Honor will agree with me, that there is a way of proving who the two dead men were—not to show this picture. This is an awful thing. It is like a picture only because of its horrible aspects that might have been cut out of something for children—a picture of a body on a stretcher owned by the police and placed there by the police and not by any act of the accused. There is something there—it looks like a jacket, I guess that he is wearing, that was placed there by the police or somebody. I object seriously.

MR. BURKE: I will object on the ground that it is not revelant to the issues here. There is no purpose as far as I can see that the State has yet furnished to us except that they wish to identify the body, and I submit from the law we gave to Your Honor this morning, where the gruesomeness of a picture overweighs the reason for its being introduced is not to be introduced. We have a man here with blood on his head and it is a gruesome thing. If it is for the purpose of identifying the man or for the purpose of showing he is dead, there are other ways of doing it without prejudicing the jury with the gruesomeness of that photograph, and for those reasons added to those of Mr. McDonough, I object.

MR. McDONOUGH: May I inquire of the Court, because apparently from what Mr. Bill said a moment ago, I misunderstood the purpose of this offer. I understood it to be to prove that this is the dead man—to prove that it is the man who is dead. May I inquire again through the Court what the purpose of the State is?

THE COURT: It is to prove it is a dead body, isn't it?

MR. McDONOUGH: For that reason, it is not offered. That whole picture has been excluded because of the defects in the whole picture in itself. This is only making it worse.

THE COURT: No, it was excluded because there were things in the picture which were not admissible before.

MR. McDONOUGH: But the position of the body has been changed. This body was not in that position when it was found. This is taken in another room and in a different position.

THE COURT: I understand, and I understood that when I ruled on it before and indicated the picture was not admissible because there were inadmissible features about it, and it was suggested that they remove it and that has been done. Now, I think it is admissible.

MR. McDONOUGH: But there still exists the claim on our part that Your Honor has sustained, that the body is not in the position. It is in a newly created position.

THE COURT: You have made your statement and I don't agree with it. Is there anything further?

MR. BILL: I would like to correct a statement that Mr. McDonough made. I offered it to prove the corpus delicti, plus the fact of identification. I made that statement and it is more on the question of the corpus delicti. I don't claim it is in the same position and never have. That is the body of the man we claim was—the dead body of this man taken from the boiler room by Captain Kelly, an officer.

MR. McDONOUGH: I want it for the record that we claim it is a posed photograph. I believe, if Your Honor please, it was testified to by Captain Kelly, that this body, when he first saw it was alive.

THE COURT: Well, the record shows whatever it shows. I am going to admit the exhibit.

MR. McDONOUGH: May I have an exception?

THE COURT: Certainly. Call in the jury and the alternates.

MR. McDONOUGH: May the part that has been excluded become a part of the record?

THE COURT: It is already—Exhibit B for identification.

MR. McDONOUGH: In other words, that still remains for identification?

THE COURT: Yes, that is the reason I proceeded this way.

Bring in the jury.

(The jury was recalled at 12:35 P.M.)

THE COURT: In the presence of the jury they should be told that this part of the picture was removed and has been offered as an exhibit for the purpose of proving the corpus delicti, and for the purpose of the record it has been objected to and has been overruled and exceptions noted, and this may now be marked Exhibit B.

(Cut out photograph marked State's Exhibit B.)

* * * * *

CASIMIR ZYLA, on the witness stand:

* * * * *

Q. Did you see at the hospital morgue the uncovered bodies of these two men? A. Yes, sir.

Q. Showing you State's Exhibit P for identification, can you identify that for us? A. Yes, sir, that is the body of Daniel Janowski.

Q. And where was that taken? A. At the morgue at the New Britain General Hospital.

Q. And you knew that man for ten years? A. Yes.

MR. WRIGHT: I offer that as a full exhibit.

MR. McDONOUGH: May I ask the purpose of it?

MR. WRIGHT: The purpose is to show the corpus delicti and show the points of entry of two bullets.

MR. McDONOUGH: May it please the Court, that is not necessary. It isn't revelant or material to prove the State's case. It can be done through the medical examiner who can testify or any other doctor that performed an autopsy on the body of the person who is shown in this exhibit when they found from the wounds, and that such and such resulted from the wounds.

This officer said he saw the bodies of the men in the gasoline station and that he knew them and they were dead. If there were no pictures taken at all the State would have no difficulty proving that claim. This is merely and solely and deliberately done by the State for the purpose of inflaming this jury and causing sympathy for the deceased's relatives, which Your Honor has already cautioned them against. This is to create sympathy for them. This offer is made for the purpose of creating prejudice and bias against these defendants on trial, and it isn't serving the purpose the State's Attorney states it is. It can be proven in many, many other ways, and I object to it.

THE COURT: Do you care to add anything, Mr. Burke?

MR. BURKE: No, I will join in the objection, and would just state, as I said this morning, this doesn't go to prove the corpus delicti. The testimony is already in. This is just an addition, and I agree with Mr. McDonough, it is for the purpose of adding something gruesome to this which will prejudice in some fashion the jury against the men on trial.

MR. McDONOUGH: May it please the Court, there could be some purpose in offering other pictures of the men who have been killed when their bodies were found and where they were found to be and the position of them and

showing the clothes they had on. I can see some justice in that offer, but I can see no justice in this case. These bodies are stripped and they are horrible looking pictures. It isn't necessary.

THE COURT: Do you care to be heard, Mr. Wright?

MR. WRIGHT: Just to add this, Your Honor: The cause of death will come out through these bullet holes. I think it is very necessary for those to be shown.

THE COURT: May I see the exhibit?

I will overrule the objection and admit the exhibit.

MR. McDONOUGH: Exception, Your Honor.

THE COURT: Certainly.

MR. BURKE: I was going to ask for an exception.

THE COURT: Surely.

(State's Exhibit P marked as a full exhibit.)

MR. McDONOUGH: Might I call Your Honor's attention for the record—it probably should have been interposed at the time before, but we will offer evidence to show that the doctor testifying at an inquest did it without using such a picture as to the cause of the death, and that can be done here.

THE COURT: The record will show your remarks. Mark it a full exhibit. I think it is a good place to stop.

Escort the accused from the courtroom, please.

The jury may be excused and the alternates may be excused.

Recess, Sheriff.

(Recess at 3:30 P.M.)

MAY 29th, 1957. 3:50 P.M.

THE COURT: Bring in the accused, sheriff.

(Accused present.)

THE COURT: All right, bring in the alternate jurors and the jury, please.

(Jury and alternates present.)

THE COURT: Mr. Wright, you were about to pass the exhibit to the jury.

MR. WRIGHT: Yes, Your Honor. State's Exhibit P has been admitted, as I understand.

CASIMIR ZYLA, on the witness stand;

DIRECT EXAMINATION BY MR. WRIGHT: (RESUMED.)

Q. Now, Detective Zyla, I understand you to testify that when you arrived at the hospital with the body of Janowski, the body of Kurpiewski was already there?

A. Yes, sir.

MR. McDONOUGH: You said "the bottle".

THE COURT: I don't think that he did, Mr. McDonough. I understood the same as he did. Go ahead, Mr. Wright.

Q. And was this body also disrobed? A. Yes, sir.

Q. In your presence? A. Yes, sir.

Q. Showing you Exhibit O for identification, can you identify that picture for us. A. Yes, sir.

Q. And what is that?

A. Edward Kurpiewski.

Q. As he was in the hospital morgue room?

A. Yes, sir.

MR. WRIGHT: I offer that as a full exhibit in the Court please.

MR. McDONOUGH: The same objection, same reasons as the other exhibit.

THE COURT: All right, Mr. McDonough.

MR. BURKE: I'll object to it, Your Honor, for the same reasons we set forth to State's Exhibit P.

THE COURT: May I see it first, before I rule on it. I will admit the exhibit.

MR. McDONOUGH: Exception.

THE COURT: Certainly.

MR. BURKE: Exception, Your Honor.

THE COURT: Certainly. Exhibit O is a full exhibit.

(Photograph previously marked State's Exhibit O, for identification received in evidence as a full exhibit "State's Exhibit O".)

* * * * *

ARNOLD J. ZENGA, on the witness stand;

* * * * *

MR. McDONOUGH: I agree with Mr. Burke. That is all that I have to say.

THE COURT: All right. Recall the jury and the alternates.

(Jury and alternates present.)

THE COURT: I will overrule the objection and admit the exhibit. Exhibit T.

MR. BURKE: Exception.

THE COURT: Surely.

MR. McDONOUGH: May I have an exception?

THE COURT: Surely.

(Hat with visor received in evidence and marked "State's Exhibit T".)

* * * * *

THERESA QUATTROPANI, a witness called by the State, having been sworn by Mr. Coburn, testified as follows:

BY THE ASSISTANT CLERK:

Q. Your full name? A. Theresa Quattropani.

Q. And your address? A. 21 Coleman Drive.

Q. In New Britain? A. Hartford.

DIRECT EXAMINATION BY MR. BILL:

Q. Where do you live Mrs. Quattropani? A. 21 Coleman Drive, in Hartford.

Q. And you will speak up, will you not, so that the jury can all hear? That's 21 Coleman Drive? A. Right.

Q. In Hartford? A. Right.

Q. And is that in a project? A. Yes, Rice Heights.

Q. And how long have you lived there? A. Two years in March, it was.

Q. You and your husband? A. Yes.

Q. Is there a family? A. Three children.

Q. And whether or not you know Arthur Culombe? A. Yes.

Q. Arthur Culombe? A. I know him.

Q. You know him? A. Yes.

Q. How long have you known him? A. Well, just to see him since I lived there. They were there before I moved in.

Q. Where does he live in relation to you? A. Directly across the street at 20 Coleman Drive.

Q. At 20 Coleman Drive, and you are opposite?
A. Yes.

Q. On the street? A. Yes.

Q. Now, do you remember December 15th, 1956?
A. Yes.

Q. And what was there about that day that you recollect?

MR. McDONOUGH: I object to the form of that question, Your Honor. Many things she recollected, I suppose, that have nothing to do with this case.

MR. BILL: I'll ask specifically, if you want to have me.

THE COURT: I take it that he is objecting to this question. I'll sustain it.

Q. Do you remember December 15th, 1956? A. Yes.

Q. And why do you recollect that particular day?
A. We had a bad ice storm that day and it rained all through that night.

Q. Were you home in the afternoon? A. Yes.

Q. Did you see Arthur Culombe that day? A. Yes.

Q. Was that in the afternoon? A. Yes.

Q. Did you see somebody with him? A. Yes.

Q. Who? A. Taborsky.

Q. Who, who? A. Joseph Taborsky.

Q. Joseph Taborsky. Do you see him in the courtroom? A. Yes.

Q. Whereabouts? A. Right there.

Q. Sitting at the table here (indicating)? A. Yes.

Q. How about Arthur Culombe, do you see him here? A. Yes.

Q. And whether or not you saw them together that day? A. I did.

Q. Under what circumstances? A. I saw them drive up in the car in front of my house.

Q. In front of your house and as they drove up what happened? A. I saw them remove a TV set from the back seat of the car.

Q. And then what? A. I saw them take it out of the car and go upstairs to his apartment.

Q. Whose is his apartment? A. Culombe's apartment.

Q. And where were you when this was going on? A. I was at my front window.

Q. You were at your front window? A. Inside.

Q. And what caused you to notice the operations?

MR. McDONOUGH: I will object.

THE COURT: I will sustain the objection.

Q. Was there anything particular that caused you to notice them?

MR. McDONOUGH: Objection.

THE COURT: I will sustain the objection.

Q. As you sat there were you doing anything special?

A. No, I had just happened to go and look out the window.

Q. And as you looked out the window— A. I saw the car pull up and saw them get out and go to the — open the door to the rear seat, and I was curious.

Q. You were curious? A. Yes.

Q. And so you watched the full operation? A. Yes

MR. BILL: Your witness.

CROSS EXAMINATION BY MR. McDONOUGH:

Q. What time was this approximately? A. About two o'clock in the afternoon.

MR. McDONOUGH: That is all.

THE COURT: Mr. Burke?

CROSS EXAMINATION BY MR. BURKE:

Q. You say you saw Joseph Taborsky there?
A. Yes, he got out of the car.

Q. Had you ever seen him before? A. No, I hadn't seen him before.

Q. How did you know it was Joseph Taborsky?
A. I watched him and after I saw all the pictures in the papers I recognized it was him at the time.

Q. You knew Culombe? A. Yes.

Q. But you didn't know Taborsky? A. No.

Q. Never saw him before in your life, did you?
A. No.

Q. Who told you or who showed you a picture and said it was Taborsky? A. I followed his picture in the paper.

Q. Who pointed out to you that man as Joseph Taborsky? A. I just read his name on the front and then I recognized him.

Q. When did you see this picture? A. Shortly after they were arrested.

Q. Then you recognized that back in December that particular day and that particular time and that Taborsky was there? A. Yes.

Q. You had never seen him before? A. No.

Q. Not at all? A. No.

Q. How far back from the street is your house?

A. About from here to where you are standing — from where I am to where you are standing.

Q. And which side of the car did he get out of?

A. The right-hand side, the passenger side in the front.

Q. And that is the side away from you? A. On my side.

Q. Then he went to the rear of the car? A. To the back seat.

Q. He went to the back seat. He didn't have to get out to go to the back seat, did he? A. He got out and, you know - he got out.

Q. What kind of a car was it? A. It was a two-door.

Q. So he got out of a two-door car and went to the back seat?

A. They lifted up the seat and the TV set was back in the rear seat—it was on the seat.

Q. You are positive that the man with Culombe was Taborsky? A. Yes, I am.

Q. What kind of clothes did he have on?
A. I don't remember that.

Q. What kind of a hat? A. I don't believe he wore a hat.

Q. What kind of a coat? A. I don't know.

Q. You don't know what kind of clothes he wore, but you were able to identify his face? A. Yes.

Q. And you had a clear enough view of that?
A. Very clear view.

Q. What time was it? A. About two in the afternoon.

Q. And it was raining? A. I think so.

Q. Were your windows wet? A. No.

Q. You were able to see through them without any trouble? A. Yes.

Q. Any curtains on your windows? A. My blinds were up.

Q. What is that? A. I had blinds.

Q. Venetian blinds? A. Yes.

Q. And you were able to identify somebody from that distance you had never seen before from a picture you saw later? A. Yes.

Q. Who came to see you about this? A. About what?

Q. About your identification of this man? A. No one came to ask me to identify him.

Q. So that you called the police? A. No, they questioned all the neighbors.

Q. Who was that? A. The State Police, I believe.

Q. And they came to see you and did they bring a picture with them? A. No.

Q. When they came to see you what did they ask you?

A. They asked me if I had seen Taborsky at anytime in the neighborhood.

Q. They asked nothing more than that? Did they have a picture with them? A. No, sir.

Q. No picture at all? A. No.

Q. But you knew it was Taborsky because you saw his picture in the paper? A. Yes.

Q. And you were positive it was the same man?

A. I am positive.

Q. How tall was this man? A. Oh, about five-eleven or six feet.

Q. Five foot eleven or six feet? A. Yes.

Q. How about how heavy he was? A. I couldn't tell.

Q. Was he fat, skinny or heavy set? A. He wasn't skinny—he was heavy—rugged built.

Q. Rugged build? A. Yes.

Q. You don't know whether he had a hat on?

A. No.

Q. Do you know what kind of a haircut he had?

A. No.

Q. But do you know it was he? A. I later identified—you know—found out when I saw the pictures in the paper my attention was brought to it.

Q. Your attention was brought to what? A. To the whole thing, and then I remembered I had seen the two of them that day.

Q. You are positive you could remember you saw them together that same day? A. Yes.

Q. And it was exactly the same man? A. Yes.

Q. You realize how important this is? A. I do.

Q. And you want us to understand that you could look through the rain and could see a man you had never seen before?

A. It wasn't raining heavily. I could see him just like I am seeing you now, it was that close.

Q. And from a picture in the paper you could identify him? A. I already saw him. At the time I didn't know who it was, but when I saw the picture in the paper it brought my attention to it and I recognized it was the two of them I saw that day.

Q. Do you wear glasses? A. No.

Q. When did you first see the picture in the paper—in March sometime? A. Shortly—right after they were arrested.

Q. When was that? A. The first picture that was in the paper.

Q. When was that? A. On a Monday, I think it was.

Q. Was it March, February, April or when? A. It was February, I think, I am not sure.

Q. You don't know when you saw the picture. Do you know what paper you saw it in? A. The Hartford Times.

Q. What was the picture like—what was it of?
A. It was just his face.

Q. Just one picture and just showed his face?
A. Yes.

Q. Didn't show any clothing? A. Just the top.

Q. You didn't recognize any clothing you had seen before? A. No, not in the picture.

Q. He didn't stand there looking directly at you, did he? A. I don't believe he saw me at all.

Q. I mean he didn't look to see? A. No, he didn't.

Q. You got a side view of him, didn't you?
A. Pardon?

Q. When he was getting in or out of the car you saw him from the side, didn't you? A. He turned and I saw him.

Q. How long did he turn for? A. Just a second.

Q. And that is all the view you got of his face was just that one second turn? A. I watched them all the time they were in the car.

Q. I know that, but the only time you saw him full face was when he turned for that second to look at you?
A. No, I saw him full face when he was walking away.

Q. And he was walking away from you? A. They walked away and forward again.

Q. When he walked away he wasn't facing you, was he? A. No, not directly facing me.

Q. And all you were seeing was a side view while he was walking away or the man was walking away? A. I did see his full face.

Q. For the second? A. Maybe it was a second, yes.

Q. And from that second--that's the only time you saw him full face, and the rest of the time was from the

rear or from the side as he was walking away carying a TV set? A. Yes.

Q. And from that one flash you were able to identify him without question? A. I didn't identify him at the time, I didn't know who he was.

Q. Later on you were able to identify him without any question as that man you saw? A. Yes.

Q. Well, what caused your mind to get such a clear picture of him? A. After I read it in the paper and read the whole story and was asked if I had ever seen him before I recalled of that day and I said that was the man I had seen there definitely.

Q. Even though you only saw him for the second, you were very clear and definite in your information and were positive that he was the man that you saw? Do you want us to believe that? A. Yes.

Q. What side of the car did they take the TV Set out of? A. The right side of the car, the passenger side.

Q. What is that? A. The opposite side from the driver in the back seat.

Q. Is that the right side? A. The right side.

Q. And was it parked so that the right side was toward your house? A. Yes.

Q. And both of them were leaning in to get out the TV set? A. Yes.

Q. And they pulled it out? A. Yes.

Q. And carried it across the street? A. Yes.

Q. And the only time you saw his face was that one flash second? A. I saw his face all during the operation.

Q. From the side you saw it—not full face? A. He

turned a couple of times to move the set around to get it in a position to carry it out.

Q. And you saw him through the window of the car? A. I saw him out of the car.

Q. And in the car, too? A. I saw them get out of the car.

Q. And when you looked out your window you saw he was there trying to get the TV set out of the back seat? A. Pardon?

Q. After they got out of the car you say they went to the back seat to get the TV set out? A. Yes.

Q. This man was on the passenger side? A. Yes.

Q. And he got out and you looked at him full face for a second and then they got in to get at the set? A. Yes.

Q. You didn't see his full face then? A. Not as he bent over to get the TV out.

Q. And then when they pulled the set out you saw it from the side? A. I saw it as they were getting the set out of the car—his full face.

Q. Then did they walk away from you? A. They walked along the back of the car and across the street.

Q. What kind of a set was it, a portable or a console? A. It was a small console.

Q. A floor console—you mean a table model? A. It looked like a table model.

Q. Well, was it a console or a table model? A. A small console.

Q. Which could stand up? A. Yes, which could be taken for a table model also.

Q. And all these details you recalled to your mind

after you saw his picture? A. Yes.

Q. And did the police come to see you or did you call them? A. They came and questioned the neighbors.

Q. And you gave them this story? A. Yes.

Q. And you gave them all of these details about seeing them? A. I told them just what I had seen.

Q. And you also told them that you could identify without any question? A. Pardon?

A. I told them that that was the man I had seen that day. I definitely knew.

Q. How about the children—were they around that day? A. They were in the house.

Q. Were they in the window too? A. I don't believe so.

Q. Nothing distracted you at all from looking out the window? A. I just happened to go to the window and saw the car pull up and was standing there looking and I saw them.

Q. That was all you saw of him — just the one flash view of the face? A. Yes.

Q. Do you know what kind of a car it was? A. I think it was an Oldsmobile—black.

Q. You think, or do you know? A. I know.

Q. You know it was an Oldsmobile and a black one. Are you positive of that, too? A. Yes.

Q. You had seen the car before? A. Yes.

Q. Do you know whether the window in the door of the car was up or down? A. I don't know.

Q. You didn't see that? How about the window in the back, was that up or down? A. I don't know.

Q. Do you know what kind of tires the car had?
A. No.

Q. Do you know if there were any marks on the car?
A. No.

Q. You think he did? A. I feel he did, yes, sir.

Q. Any dents or not? A. I don't know.

Q. You don't know what kind of clothes he wore?
A. No.

Q. Or what kind of clothes Culombe was wearing?
A. All I can remember—he was wearing—I think it was a plaid cap.

Q. But you don't know what kind of clothes—you have no recollection of that? A. No.

Q. And your recollection of the two dates is what makes you positive that was Taborsky you saw? A. Yes.

MR. BURKE: That is all.

CROSS EXAMINATION BY MR. McDONOUGH:

Q. A plaid cap—one of these Ivy League caps—that these college boys wear? A. It was a cap.

Q. Plaid? A. Wool, I believe.

Q. That was what Culombe was wearing—this fellow down here? A. Yes.

Q. That you see these young fellows in college wearing—was that what it was? A. It wasn't like the young fellows wear.

Q. It was a flashy affair, was it? A. I think it was a wool cap.

Q. Plaid? A. Yes.

Q. Tell me, did he have a leather jacket on? A. I don't remember.

Q. He might have or might not? A. Yes.

Q. You were questioned by the State Police shortly after the arrest and their pictures were in the papers, is that right? A. Yes.

Q. Did a State Policeman or woman question you? A. There was a man and a woman.

Q. Do you know their names? A. No, I don't.

Q. Did you give them signed statements? A. Yes, I did.

MR. McDONOUGH: That is all.

MR. BILL: No questions.

THE COURT: You may step down.

(Witness excused.)

FRANK J. FRONCZEK, a witness on behalf of the State, being first duly sworn by Mr. Coburn, testified as follows:

BY MR. COBURN:

Q. Your full name? A. Frank J. Fronczek.

Q. Address? A. 133 Millbrook Drive, East Hartford.

DIRECT EXAMINATION BY MR. BILL:

Q. Mr. Fronczek, what is the nature of your business? A. I am a TV salesman and service.

Q. Where are you employed or located? A. East Hartford, 1263 Main Street.

Q. You are in the TV business? A. Yes, sir.

Q. How long have you been in the business?
A. About three and a half years.

Q. Whether or not you know Arthur Culombe of Hartford? A. Yes.

Q. Do you find him here in the courtroom? A. Yes.

Q. Where? A. Sitting down in back there.

Q. At the table? A. Next to the table.

Q. Now, whether or not prior to December 15, 1956 you had done any business with Arthur Culombe?
A. Yes, sir.

Q. What was the nature of the business? A. I sold him a TV set and did some repairs for him on TV sets and radios.

Q. Now, whether or not on or about December 15, 1956 you did some business with Arthur Culombe?
A. I sold him a used TV set.

Q. Under what condition?

MR. McDONOUGH: How is that material and relevant? I won't press the objection, but I wonder how it is material and relevant.

THE COURT: He is asking what the purpose is.

MR. BILL: The purpose is to show the transaction and to show the surroundings of the sale.

THE COURT: I will overrule the objection. Answer the question.

A. It was an agreement to pay so much a week.

Q. I show you this slip and ask you if you recognize that? A. I do.

Q. As what? A. As a sales slip, a duplicate of one, I gave him the original.

Q. On what date? A. December 15, 1956.

Q. Who made out that statement? A. I did.

Q. And was that done in the regular order of business? A. I know him.

Q. I mean, is that the way you do business? A. I do.

Q. When you sell a TV set— A. On this occasion, I did, yes.

Q. And you used that slip? A. Yes.

Q. In that transaction? A. That's right.

MR. BILL: I offer that.

THE COURT: Is there objection?

MR. McDONOUGH: May I see it?

THE COURT: Surely.

MR. BURKE: I object to it; it is immaterial and irrelevant whether he bought a television set and how much he paid or how he paid for it.

THE COURT: Overrule the objection.

MR. BURKE: May I have an exception?

THE COURT: Certainly.

You may mark it V.

(Sales slip marked States Exhibit V.)

MR. BILL: I want to see if I can read it.

Q. I guess I will have the witness read it. Will you

read that so that the Court and jury can hear? Start out at the top.

A. (reading) "Frank's Radio and Television. Tel. JA 8-8935. 1263 Main Street, East Hartford. Television, Radio, Appliances. Sales and Service. The date is 12-15-56. Name—Culombe, address 20 Coleman Drive, Hartford. Used TV set $50. Tax 1.50. Total $21.50. Trade-in $20. Balance $31.50. Paid on account $10. Balance $21.50."

Q. Is there something else on there? A. On the same slip it was paid 12-17-56, the following Monday. The balance was paid, $21.50.

Q. Did you make some arrangements for payment on December 15th for that used set that you sold to Culombe?

A. Yes.

Q. What were the arrangements? A. There were arrangements made to pay me $5.00 a week.

MR. BURKE: I object to this, Your Honor, as immaterial and irrelevant.

THE COURT: As far as you are concerned I will instruct the jury that this evidence has no bearing on the case of State v. Taborsky as of the present time, in any event, and is being admitted solely in the case of State v. Culombe, unless you claim differently.

MR. BILL: No, I claim it on this basis.

THE COURT: On this basis that I indicated?

MR. BILL: Yes, against Culombe.

Q. So that there is no need to pass on your objection?

MR. BURKE: Thank you, Your Honor.

Q. And I understand that he made full payment on the following Monday, December 17th, 1956?

A. That is right.

Q. Of $21.50? A. That's right.

Q. What time was that that you sold that set to him, do you know?

A. That was around noon hour, around twelve o'clock, something like that.

Q. On December 15th, 1956? A. December 15th.

Q. What was done with this used TV set that was sold to Columbe after it was sold by you to him?

A. It was put in his car.

Q. Who put it in the car? A. I helped him carry it in.

Q. What kind of car was it, do you know?

A. A sedan, four door sedan, but the name I don't know offhand. He's got two cars. He had an Oldsmobile first and he had a Chevrolet after that.

Q. You don't remember what the car was?

A. I don't remember what the car was, I don't recall it.

Q. And where was the TV set put? A. In the back seat.

Q. And then he went off? A. I think that he hung around a few minutes and then took off. I am not sure.

MR. BILL: Your witness.

CROSS EXAMINATION BY MR. McDONOUGH:

Q. What are the pencil markings on the bottom of State's Exhibit V, Mr. Fronczek?

A. I marked it "Pd", paid 12-17-56.

Q. Those are your markings? A. That's right.

Q. Are there any other papers relative to this deal in your possession? A. I think that there is another one besides that.

Q. What kind of a paper is that?
A. About the same as that. Sales slip.

Q. A copy? A. A copy of that.

Q. Any other papers? A. That's all.

Q. Now, this was sold on the basis of $5.00 a week, wasn't it? A. Verbal order.

Q. Anything—nothing in writing of Culombe's on this paper, is there? A. No, sir.

Q. You have nothing with Culombe's writing on it at all, have you? A. No, sir.

Q. Culombe can't write, can he? A. I never asked him.

Q. So you don't know? A. I don't know.

MR. McDONOUGH: That's all.

THE COURT: Mr. Burke, do you have any questions?

MR. BURKE: I have no questions.

THE COURT: You may step down.

MR. McDONOUGH: One more question, please.

THE COURT: Step back.

BY MR. McDONOUGH:

Q. You haven't even got Culombe's name on any piece of paper, have you?
A. I've got his last name, Art Culombe.

Q. Arthur Culombe? A. The one I wrote down myself.

Q. But you have nothing, no writing of his at all, have you? A. I don't recall. I might have.

MR. McDONOUGH: That's all.

MR. BURKE: I would like to ask one question.

CROSS EXAMINATION BY MR. BURKE:

Q. What kind of a set was this? A. Sylvania, used set.

Q. Was it a table model? A. Console.

Q. Big one? A. Seventeen inch.

Q. And you say that it was a four door sedan you put that set into? A. I believe that it was a four door sedan, yes.

Q. Not a two door car? A. A four door.

Q. You are sure of that? A. Yes. He got in the back to help me put the set in.

Q. But you recall that it was a four door car, not a two door car? A. I helped him carry the set in and I remember that, a four door.

Q. You are sure it was a four door? A. Pretty sure it was a four door.

Q. Well, you helped him put it in, didn't you? A. We put it in the back door, but I didn't look to see if there was another door in the front or not.

Q. A car wouldn't have a door in the back and none in front, would it? A. I didn't push no seat forward.

Q. It had to be a four door? A. It had to be a four door.

Q. Into which you put this set? A. Yes.

MR. BURKE: That's all.

THE COURT: Anything further, Mr. Bill?

MR. BILL: No.

THE COURT: You may step down.

MR. BILL: Mrs. Harris.

IRENE HARRIS, a witness called by the State, having been sworn by Mr. Coburn, testified as follows:

BY THE ASSISTANT CLERK:

Q. Your full name? A. Irene Harris.

Q. And your address? A. 18 Coleman Drive.

Q. In Hartford? A. Hartford.

DIRECT EXAMINATION BY MR. BILL:

Q. What is your address now, did you say? A. My present address is 18 Coleman Drive.

Q. 18 Coleman Drive? A. Yes.

Q. That's in Rice Heights? A. That's right.

Q. And on December 15th, 1956 what was your address and where did you live? A. 20 Coleman Drive; A-2.

Q. A-2? A. Apartment A-2.

Q. 20 Coleman Drive? A. That's right.

Q. And that's in Rice Heights, too? A. Yes.

Q. The same project? A. Yes.

Q. And whether or not, Mrs. Harris, you know Arthur Culombe? A. Yes; he was my neighbor.

Q. He was your neighbor? And do you find him here in the Courtroom? A. Yes.

Q. Whereabouts? A. He's sitting on my left, in the gray suit, in the back.

Q. In the back? A. Yes.

Q. How long have you known him? A. I'd say approximately two and a half years.

Q. And how long, up until the time you last moved —Or let's put it this way: How long did you live at 20 Coleman Drive, A-2? A. Oh, about seven years and three months.

Q. And up until that date? A. Until February of this year.

Q. February, 1956? A. That's right.

Q. And you were living there on December 15th, 1956? A. Yes.

Q. That's February, 1957. I'm sorry. Whether or not you know Joseph Taborsky? A. Yes; I've seen him there several times.

Q. Do you find him in the Courtroom? A. Yes.

Q. Where? A. He's sitting with the first policeman, on my left.

Q. Now, whether or not—That's withdrawn. Where did Arthur Culombe live in relation to you? A. Across the hall.

Q. Across the hall? A. Yes.

Q. And whether or not you had the main entrance, the same main entrance, common entrance? A. Yes.

Q. And did he have a number to his apartment? A. His was B-2.

Q. His was B-2? A. Yes.

Q. What floor is that on? A. Second.

Q. Second floor? A. Yes.

Q. And it was a common entrance. And how did you get up to the second floor? A. Up a flight of stairs.

Q. Side stairs? A. No. There's one main entrance. The stairs were in the middle.

Q. What did you say? A. There's one main entrance. The stairs go right up.

Q. And only one set of stairs? A. That's right.

Q. And as you went up, what side of the staircase were you? A. I was on the right.

Q. You were on the right? A. Yes.

Q. And Culombe was where? A. The left.

Q. What does your family consist of and did it then? A. Four children.

Q. Living there with your husband? A. Yes.

Q. What was his name? A. John Harris.

Q. Now, Mrs. Harris, you say you know Joseph Taborsky? A. Yes.

Q. And when did you first see him, if you remember? A. My first recollection of Joe Taborsky was in 1951.

Q. In 1951? A. Yes.

Q. And when recently had you seen—That's withdrawn. Have you seen Joseph Taborsky within the last several months? A. In November.

Q. Of what year? A. Of 1956. Last year.

Q. Last November? A. Yes.

Q. And whereabouts? A. At Mr. Culombe's. I've seen him visiting there from November.

Q. From November? A. Yes.

Q. You mean constantly or periodically? A. No; mostly when I saw him it was on the weekends, whenever I did see him.

Q. Weekends? A. Yes.

Q. And whether or not you remember December 15th, 1956? A. Yes.

Q. And what was there about December 15th that you remember?

A. Well, December 15th we were visiting my mother, and it was a bad ice storm, and my husband said, "We'd better get home." All the lights were out and it was bad driving. And when we pulled up to our house Taborsky and Culombe were sitting in a gray car, trying to get it started, and we had passed them to drive in front of them to park.

Q. Let's get a little more detail there. Where did you go, you and your husband? A. Over to my mother's.

Q. Where does your mother live? A. 27 Martin Street.

Q. Martin Street? A. Yes.

Q. That's in the north part of Hartford? A. Yes.

Q. And you are down in the southwest? Rice Heights is in the southwest part of Hartford? A. Yes.

Q. What is it, five or six miles away? A. I couldn't say.

Q. You don't know? A. No.

Q. But one is in the south part and the other is in the north part, and you drove up there, did you?

A. No. I don't drive. My husband.

Q. Your husband—you drove with him? A. Yes.

Q. Did your children go? A. Yes.

Q. And when did you leave to go up there?
A. Oh, it was early afternoon when we had left.

Q. And when did you arrive back to Coleman Drive?
A. Between eight and nine o'clock.

Q. Between eight and nine o'clock in the evening?
A. Yes.

Q. And you say you saw a car parked? A Yes.

Q. And when you saw that car parked was your car in motion? A. Our car was moving; yes.

Q. Was it moving in the same direction that the parked car was facing, or in the opposite direction?
A. Not at first. We were not moving in the same car—I mean in the same direction.

Q. Did you pass that car? A. We passed him at first.

Q. Going in what direction? A. The opposite direction.

Q. From what it was facing, or the same direction?
A. The opposite direction.

Q. And where was this car parked in relation to your side of the street, 20 Coleman Drive? A. It was parked not quite in front of our apartment.

Q. It was on that same side of the street? A. Yes.

Q. But you went by—That's withdrawn. In going by that car did you see anybody in it? A. Not at that time.

Q. After you had gone past the car, your husband was driving? A Yes.

Q. What did he do? A. He turned up Allen Drive, backed out.

Q. Before you get there—Going along, which way did he turn to get into Allen Drive? Left or right?

A. He took a right.

Q. He took a right? A. Yes.

Q. And then what did he do? A. He backed out, and when he backed out the car was on an incline, and that way our headlights flashed into the car that Taborsky and Culombe were sitting in.

Q. Did you see them? A. Yes.

Q. Did you recognize both of them? A. Yes.

Q. And then what did you do after you had turned around? A. We drove past them and parked right in front of their car.

Q. And what did you do then? A. My husband helped me and the children to the door and he went back to the car.

Q. You didn't go back there? A. No.

Q. Are you positive that you saw Joseph Taborsky and Arthur Culombe together in that car? A. Yes.

Q. Do you know what kind of a car it was? A. I can't tell you the make. I can only tell you it was gray. I don't know the makes of the cars.

Q. I want to straighten out one thing. You say your husband went back to the car. Your car was parked there and this other car. Do you know which car he went to?

A. He went back to the car that Mr. Culombe and Taborsky were sitting in.

MR. BILL: Thank you. Your witness.

MR. McDONOUGH: No questions.

THE COURT: Mr. Burke?

CROSS EXAMINATION BY MR. BURKE:

Q. You didn't go back to the car, did you? A. No, I did not.

Q. So you didn't go back to check if that was Taborsky sitting in that car? A. No, I did not.

Q. And the only view you got of him was when your husband backed the car out, the lights hit the rear window of the other car; right? A. Yes. And they were on my side.

Q. How far away was that? A. Oh, I couldn't say the distance.

Q. Would you say a hundred feet? A. Oh, no; I don't think so.

Q. More than that? A. No.

Q. Fifty feet? A. Could be.

Q. It was dark that night? A. It was dark.

Q. It was raining? A. It was raining, but not very hard at that time.

Q. Drizzling? A. Drizzling.

Q. And kind of misty, wasn't it? A. It was drizzling.

Q. And the windows of the car, they were clouded up, were they? A. My side wasn't clouded, because I have a habit of leaving the window partly cracked.

Q. How about the rear window of the car? That would be clouded up and wet, wouldn't it? A. I wouldn't know. I hadn't noticed.

Q. If it was drizzling wouldn't the rear window of the car be wet? A. Yes, I suppose so.

Q. And your windshield wipers were going, were they? A. Yes.

Q. So the lights of your car, as it backed away, went through the rear window of this car you saw in front of Culombe's place? A. Yes.

Q. And you say that you saw Taborsky in there through the wet windows? A. Yes; through my side of the window, on the passenger's side.

Q. You were able to see through the wet windows of this car and see him and Culombe sitting in the car?
A. Yes, I did.

Q. And you saw that only for the flash of the time that your husband backed out of the driveway and the lights hit the car? A. Yes.

Q. And that made you certain that it was Taborsky?
A. I was certain; yes.

Q. As you saw these two, who was driving the car?
A. No one was driving. They were trying to get the car started. Mr. Culombe was behind the wheel.

Q. And how do you know they were trying to get the car started? A. Well, it kept making that—like they couldn't get it turned over.

Q. And was Taborsky bending down or sitting up straight, or what was he doing? A. He was just sitting there.

Q. Just sitting there? A. Yes.
Q. And when you saw him through the back window you got a view of his head, didn't you? A. Yes.

Q. And from the back of his head through a wet window you could identify him? A. I passed that car

Q. Yes? A. We passed him on my right.

Q. Yes? A. And I saw him sitting there.

Q. Let me get back where you were backing out of this driveway. You backed out of this driveway—

A. It isn't a driveway. It's a street.

Q. Backing out of the street your car was on a little incline, you said? A. When you back down it's on an incline. The rear end is facing Flatbush Avenue. So my husband had to swerve a little to get back in front of our house, and as he swerved the headlights flashed into their car.

Q. Through the back window? A. I wouldn't say it was through the back window.

Q. It couldn't have been through the side windows, because you were behind the car, weren't you? A. We weren't directly behind the car.

Q. You were behind to the right or left? Which was it? A. We turned in right.

Q. So that as you backed to turn to go the same direction that car was facing, your lights went into that car?

A. Yes.

Q. The windows were wet? A. Yes.

Q. And your husband started right up, didn't he? He just didn't stand there with the lights on that car, did he?

A. He didn't stand there, but he was at a stop.

Q. Then he proceeded to go again? A. Yes.

Q. And for that flash minute you could see through a wet window, through the fog and the mist and the drizzle, into the other car and definitely identify somebody sitting in there? A. Yes, I could.

Q. And it was more than fifty feet away? A. I couldn't be definite about the amount of feet.

Q. So you are positive who was in the car then?
A. When the lights flashed in; yes.

Q. When you passed you looked in again? A. Yes.

Q. There were no lights in the street? A. The lights were out.

Q. There were no lights inside Culombe's car?
A. No.

Q. The inside of his car was dark? A. Dark.

Q. And your car came up— A. I passed their car.

Q. You say you looked from your car into his car?
A. Yes.

Q. Through the wet window again? A. Yes.

Q. Two wet windows—his and yours? A. Mine wasn't foggy though.

Q. But wet? A. It was wet.

Q. Wet and at night? A. Yes.

Q. And you could look through the window of your car and look past Culombe? A. I saw two people sitting there, one Mr. Culombe in back of the wheel and Taborsky next to him.

Q. Taborsky was sitting next to Culombe? A. Yes.

Q. And as you looked and he went by, he would be on the other side of Culombe? A. Yes.

Q. And you would have to see by Culombe to see the other person? A. Mr. Culombe was leaning forward in the car and Taborsky was sitting back.

Q. So that when you went by you looked across the head or behind the head of Culombe and saw Taborsky?
A. I looked directly in the front.

Q. But Taborsky wasn't looking at you, was he?
A. No.

Q. And the inside of the car was dark? A. Yes.

Q. And yet you could make a positive identification?
A. I believe it was them.

Q. You believe it to be? A. Yes.

Q. But you couldn't be positive, could you, under your oath right here and now? A. I can be positive it was Mr. Culombe sitting behind the wheel—under oath.

Q. How about Taborsky—on your oath can you tell us?
A. From his profile—from what I could see, yes.

Q. You believe it to be? A. Yes.

Q. But you don't know? A. Not if you put it that way, no.

Q. That is the way I put it. That is all.

MR. BILL: No further questions.

THE COURT: Step down, Mrs. Harris.

(Witness excused.)

MR. BILL: Shall I start another one?

THE COURT: I think so.

JOHN HARRIS, a witness on behalf of the State, being first duly sworn by Mr. Coburn, testified as follows:

BY MR. COBURN:

Q. Your full name? A. John Harris.

Q. Address? 18 Coleman Drive, Hartford.

DIRECT EXAMINATION BY MR. BILL:

Q. You are the husband of the woman who just testified? A. I am.

Q. And you are living together so you are at the same address? A. Yes, 18 Coleman Drive.

Q. She testified that on December 15, 1956 and for some time previous to that you lived at 20 Coleman Drive, A-2, is that correct? A. Yes.

Q. What is your business, Mr. Harris? A. I work part time at the Mt. Sinai Hospital, and also in the plating room at the Royal Typewriter, 3:30 to 12:00.

Q. How long have you been at these jobs? A. I have been out at Mt. Sinai about four and a half years and at the Royal Typewriter ten years.

Q. Whether or not you know Arthur Culombe? A. Yes.

Q. Do you see him in court? A. Yes, I do.

Q. Where is he? A. He is sitting at the rear end on the left.

Q. How long have you known him? A. About two and a half years.

Q. You were neighbors in this apartment, as your wife said? A. Yes.

Q. Do you know Joseph Taborsky? A. Well, I have only seen him twice.

Q. Do you see him here in this courtroom? A. Yes.

Q. Whereabouts? A. He is sitting directly across from the officer there.

Q. At the table? A. Yes, sir.

Q. When did you first see him to know him? A. The first time I saw him was the 15th of December.

Q. Of what year? A. 1956,—the wife and the kids and I were returning from my mother-in-law's, and as we approached the house from Brookfield Street into the back of the project, there was this grey 1939 La Salle parked, I would say, not directly in front of the doorway there, and as we approached the car, my headlights flashed inside the car, and then as I pulled into—

Q. Well, your headlights, you say, hit the car?
A. Yes.

Q. What about that—did you see any occupants?
A. I recognized two figures in the car as we passed, and as I pulled in Allyn Drive and just backed, my headlights was directly inside the car.

Q. Did you see anyone then? A. Yes.

Q. Could you identify them at that time? A. Yes, I could.

Q. Who? A. Taborsky and Culombe.

Q. Where was Culombe sitting in the car? A. Well, Culombe was sitting on the passenger side of the car.

Q. And where was Taborsky? A. On the driver's wheel.

Q. And what did you do with your car? A. Well, I pulled up to the house and parked and let the wife and kids out, and in fact, went up to the door with them, and knowing Culombe because of the times I have had trouble with my automobile and he suggested what to do, I said I am going back and see if I could help him.

Q. You say,—before you came back where did you go?
A. I walked up to the doorway with my wife and kids.

Q. And did you leave them? A. Yes.

Q. Then where did you go? A. Walked back to the La Salle Culombe and Taborsky were in.

Q. To this car where the two men were? A. Yes.

Q. And to which side did you go, the passenger side? A. The passenger side.

Q. Who was sitting there? A. Culombe.

Q. Did you look into the car? A. I did.

Q. Was the door open? A. No.

Q. Did you put your head into the car? A. No, I approached the car and Culombe lowered the window, and I asked him if I could give him a shove.

Q. Did you look into the car? A. Yes.

Q. Did you see the two men as you looked in? A. Yes.

Q. Did you recognize them? A. Yes, sir.

Q. As whom? A. Taborsky and Culombe.

Q. And you say you asked Culombe if you could help? A. Yes.

Q. With a push? A. Yes.

Q. Did he answer that? A. Yes, he said he didn't think there was any use because their car was parked so close to the curb, and I wouldn't have a chance of it at the time.

Q. Did you stay there any longer? A. No, when he said that I went upstairs.

Q. You say there was another time you saw Taborsky? A. Yes.

Q. Was that later? A. Yes, about the 22nd.

Q. After December 15? A. Yes.

MR. BILL: Your witness.

CROSS EXAMINATION BY MR. McDONOUGH:

Q. You said you knew Culombe? A. Yes.

Q. And you offered to help him because he had helped you before? A. Yes.

Q. A pretty good neighbor? A. Very nice.

MR. McDONOUGH: That's all.

CROSS EXAMINATION BY MR. BURKE:

Q. Mr. Harris, you know Culombe pretty well, don't you? A. Well, not very well.

Q. Well enough to know that he was on the passenger side of that car that night? A. Yes.

Q. No question about that in your mind? A. None at all.

Q. Windows of the car wet, were they? A. I imagine. they were.

Q. And you say there was another man behind the wheel of that car? A. Yes.

Q. What was the marker number — Connecticut marker number? A. I wouldn't know.

Q. And you had never seen Taborsky before?
A. No.

Q. Before that night? A. No.

Q. Did Culombe introduce you to him? A. No, he did not.

Q. Didn't you say you saw the other fellow?
A. Yes, sir.

Q. Was it dark inside the car? A. Not too dark be-

cause the lights aside the house was on, and the lights in the hall shines out in the streets.

Q. But it was dusky in there? A. I don't know about dust.

Q. It wasn't bright.

THE COURT: He thought you said "dusty".

Q. It was kind of dark in there? A. Visibility was good enough to identify them, if that is what you mean.

Q. You had never seen him before? A. No.

Q. In fact, you have only seen him twice in your life, as I understand it? A. That's right.

Q. But you were able to recognize he was the man sitting there? A. I did.

Q. Did you see a full view of his face?
A. No, just the profile.

Q. And from the profile you recognized him as the man? A. Well, I saw the profile as I approached the car and after coming toward the car when I was passing it—I saw the full view of his face then.

Q. As you went by the car you saw a full view of the face? A. Yes.

Q. Wasn't he sitting in the car trying to start it?
A. Yes.

Q. Did he look toward you? A. No, but my headlights was directly in their windshield.

Q. As you came up? A. Yes.

Q. He was looking down? A. No, I didn't say that.

Q. He was looking up? A. I would say he was looking straight ahead.

Q. And as you came up the road your windshield wipers were working? A. Yes.

Q. How about his windshield? A. No.

Q. It was wet? A. Sort of misty, yes.

Q. Were his headlights on? A. No, they were not.

Q. And your headlights came up and hit— A. Hit the windshield, yes.

Q. And behind that windshield was a face? A. Yes.

Q. And you know that water on a windshield distorts a view, doesn't it? A. Somewhat.

Q. It isn't a clear view? A. No.

Q. And yet you are certain you looked into that windshield and saw a man and can identify him positively?

A. Yes.

Q. Positively? This is an important issue.

A. Yes. I understand.

Q. You are certain. Did you hear your wife testify that Culombe was driving the car? A. Yes, she said that.

Q. She was not right? A. No, it was a mistake.

Q. So that the man she identified as a passenger was Culombe? A. Yes.

Q. But you are certain it was Taborsky behind the wheel? A. Yes.

Q. Was this from a side view you got of him?

A. Yes, when I approached the car, I spoke to Mr. Culombe and he talked to me.

THE COURT: Mr. Burke, I don't want to rush you; you should have more time, but I think we should stop here.

Escort the accused from the courtroom.

Ladies and gentlemen, while that is going on, I will give you your usual caution. You will not talk to anyone about this case, nor allow anyone to talk to you about it. If there is anything in the papers tonight or tomorrow morning, please do not read it, and should there be anything on radio or television, please pay no attention to it, and when you come in tomorrow morning at ten o'clock, you will report to your jury room and the alternates will report to their room. You may be excused until tomorrow morning at ten o'clock.

Adjourn court, Sheriff until tomorrow morning at ten o'clock.

(Adjournment at 5:00 P.M.)

* * * * *

FREDERICK MORAN, a witness on behalf of the State, being first duly sworn by Mr Coburn, testified as follows:

BY MR. COBURN:

Q. Your full name? A. Frederick Moran.

Q. Your address? A. Clinton, Connecticut.

DIRECT EXAMINATION BY MR. BILL:

Q. You are employed by the Connecticut State Police Department?

A. Yes, sir.

Q. How long have you been an Officer in that department? A. On my fourth year, sir.

Q. Officer, on February 23, 1957 in the afternoon were you assigned to some particular duty? A. I was.

Q. With some other Officer? A. Yes, sir.

Q. And his name? A. Officer Gene Griffin.

MR. McDONOUGH: I didn't get the other name.

THE WITNESS: Officer Eugene Griffin.

Q. And as a result of that assignment, did you go to some particular place? A. I did, sir.

Q. Where was it? A. I went to the home of Mrs. Joseph Taborsky, 226 Park Terrace, Hartford.

Q. That is the mother of Joseph Taborsky, the accused? A. That is right, sir.

Q. At 226 Park Terrace, Hartford? A. Right, sir.

Q. And you two Officers went together? A. Yes, sir.

Q. In a cruiser? A. That is right, sir.

Q. When you got to this address, what did you do? A. We arrived at Park Terrace at approximately 2:08 P.M., and as we were parking near the home of Mrs. Joseph Taborsky at 2:10, Joseph Taborsky and a male companion walked down the front steps of his mother's home.

Q. Did you later learn who that was?

MR. McDONOUGH: I object to it - what he learned.

THE COURT: He can testify whether he did or not.

He can answer yes or no. I will overrule the objection. Yes or no.

THE WITNESS: Yes, sir.

Q. Do you see that man here in Court today?
A. Yes, sir.

Q. Who is it? A. Arthur Culombe.

Q. The accused? A. Yes, sir.

Q. And where did you say they were coming from?
A. They were coming down the front steps of Mrs. Taborsky's home on Park Terrace, Hartford.

Q. And what did they do? A. They got into a 1949 green Chevrolet.

Q. And where was that parked? A. Directly in front of the home of Mrs. Taborsky.

Q. And where were you in relation to that car?
A. Approximately ten car lengths in back of it.

Q. And whether or not you or Officer Griffin - did you do something then? A. Yes, sir, we got out of our car and walked toward the 1949 Chevrolet.

Q. And when you got to that car did you find somebody in there? A. I found Arthur Culombe in the driver's seat and Joseph Taborsky was just getting into the passenger side of the car.

Q. What kind of a car was it? A. A 1949 green Chevrolet.

Q. And whether or not you talked to either one or both of them? A. I talked to Joseph Taborsky.

Q. What did you say to Joseph Taborsky? A. I asked him - told him that Lieutenant Rome of the State Police would like him to come down to State Police Headquarters - he wanted to talk to him.

Q. Did he reply? A. Yes, sir.

Q. What did he say? A. He was glad to come - he was willing to come down, he said.

Q. Did you talk to Culombe? A. No, sir.

Q. Was that all the conversation at that time?
A. That's right, sir.

Q. Were any directions given? A. Yes, sir, he was told he could come down with his friend in his car if he wished to, and he said he would.

Q. What did you do then? A. We went down to State Police Headquarters.

Q. I mean right then - you were at his car talking to him - what did you do then? A. He agreed to go down and we got back into our car.

Q. And then what happened? A. We started, and they came down to State Police Headquarters with us.

Q. They following you or you following them?
A. They followed us down.

Q. That is the State Police Headquarters directly across the street here on Washington Street? A. Yes.

Q. What happened when you got there? A. Arthur Culombe stopped in front of the building and Joseph Taborsky got out and went in.

Q. Went into the building? A. Yes, sir.

Q. Alone? A. Well, with me.

Q. What was that? A. He came in with me.

Q. And what happened to Culombe? A. He drove off.

Q. He drove off? A. Yes, sir.

Q. And who was in your car at that time?
A. Officer Griffin and I were there.

Q. Did you attempt to follow him? A. I didn't, no, sir.

Q. Did Officer Griffin? A. I believe he did, yes, sir.

Q. You don't know? A. No, sir.

Q. But Culombe didn't come into the Headquarters at that time? A. No, sir.

Q. And you went in with Joseph Taborsky, and what happened in there at Police Headquarters? A. We went directly to Lieutenant Rome's office and contacted - I contacted Lieutenant Rome by phone and told him Joseph Taborsky was here.

Q. Whether or not you left Taborsky there?
A. No, I stayed right with him.

Q. Was he ultimately turned over to Lieutenant Rome? A. Yes, sir.

MR. BILL: Thank you, that is all.

THE COURT: Questions, Mr. McDonough?

CROSS EXAMINATION BY MR. McDONOUGH:

Q. Well, Culombe drove off alone in his car?
A. Yes, sir.

MR. McDONOUGH: That is all.

THE COURT: Mr. Burke?

CROSS EXAMINATION BY MR. BURKE:

Q. You say it was a 1949 green Chevvie? A. Yes, sir.

Q. A two-door or four-door? A. Two-door, sir.

Q. Did you tell Taborsky what Rome wanted to see him for? A. No, sir, I didn't.

Q. You just told him Rome wanted to see him?
A. Yes, sir.

Q. And he went with you? A. Yes, sir.

Q. And he followed you fellows? A. That's right, sir.

Q. Did you tell him he had to go down there?
A. No, sir.

Q. After you got to Police Headquarters did you leave him in Rome's office? A. No, sir, I stayed right with him, sir.

Q. And you say you went into the building with him?
A. Yes, sir.

Q. You were waiting for him out in front? A. We drove into the driveway and he got out in front.

Q. Where did he get out in front? A. On the street.

Q. And you were waiting there for him? A. Yes, sir.

Q. And you took him into the building? A. That's right, sir.

Q. And that was on February 23? A. Yes, sir.

Q. What day of the week? A. Saturday.

Q. What time was that? A. When we went into the building?

Q. Yes. A. Approximately 2:15 P.M.

Q. February 23 at about 2:15 P.M.? A. Yes, sir.

MR. BURKE: That is all.

* * * * *

DONALD PAIGE, a witness on behalf of the State, being first duly sworn by Mr. Coburn, testified as follows:

BY MR. COBURN

Q. Your full name? A. Donald Paige.

Q. Address? A. 42 Sumac Street, West Haven.

DIRECT EXAMINATION BY MR. BILL:

Q. You are employed by the State Police Department? A. Yes, sir.

Q. How long have you been a member? A. Almost nineteen years.

Q. What is your present rank? A. Detective Sergeant.

Q. Now, Sergeant Paige, on February 23, 1957 were you assigned some duty in connection with Arthur Columbe? A. Yes, sir, I was.

Q. What was that? A. I was to go to his home at 20 Coleman Drive with Officer Robert Reimer and bring him back to the barracks.

Q. What time was that? A. When we got to the home it was about two-thirty P.M.

Q. And when you got to the home what did you do when you arrived there? A. We knocked at the door and Mrs. Culombe answered the door and Arthur was in the toilet at that time.

Q. What happened—did you go in the house?

A. We were situated by the door and I told Mrs. Culombe I wanted to see Mr. Culombe, and we waited for about five minutes and finally she went over and rapped at the door of the toilet and told him that there was somebody waiting for him.

Q. Did you hear anything at that time? A. Yes, during the time we were waiting there we could hear some sort of metallic noises coming out of the toilet.

Q. How long did you wait for him? A. For about five minutes.

Q. And when he came out what happened? A. When he came out I told him Lieutenant Rome would like to see him at the barracks and he said okay and put on his jacket and his hat and came along with us.

Q. And where did you take him to? A. State Police Headquarters on Washington Street, Hartford.

Q. Did you stay with him at that time? A. Yes, I did.

Q. Did anybody else—Lieutenant Rome? A. He saw Lieutenant Rome.

Q. Did you talk with him—you and Lieutenant Rome?

A. No, we stayed there only a short time at the barracks and then I took Arthur Culombe and Joseph Taborsky, who was there at the time, along with two other Officers, and we went to Coventry and then to Rocky Hill and back to the barracks after stopping to have our supper.

Q. Did you do anything that day in connection with this case? A. Yes, when we came back to the State Police Headquarters I sat down and talked to Culombe for awhile and I questioned him as to whether or not he had any guns at home and he said that he had seven or eight at his house. He was a gun collector, and he agreed to go to his home to turn the guns over to us.

Q. And what did you do as a result of that talk?

A. Officer Carlberg and I and Culombe went to his home and when we got into the living room of the house he asked to go back to the toilet and I let him go in there and he remained in there for a moment and came out again and instead of returning to where I was in the living room he went down across the hall and into a bedroom. When I saw where he was going to I went right in after him, and he was standing there just closing the drawer of a bureau and in his right hand he had two guns, a .25 and .38. I asked him where he had got the guns and he said he had had them in in the toilet, that he had been cleaning that morning and it hit him that he was afraid the children was going to get at them. Then it was that we found a .25 clip of cartridges with bullets in it from the drawer he had just closed and he took that out and handed it over. Then he went to a wardrobe in the same room and in this wardrobe there was a small safe. I asked if there was anyone else who had the combination to the safe, as it was locked, and he said he was the only one had the combination. Out of this safe he took six guns. Then I had Officer Carlberg recheck the safe and he took out a plain paper bag which contained

three red handkerchiefs. We also got some ammunition out of the safe. There was three boxes I believe, and one small casing with some bullets in it.

MR. BILL: Have you got the two boxes there, Captain Chameroy?

Q. Showing you this envelope which was passed to me by Captain Chameroy containing two boxes, I take them from the envelope and ask you to examine them and see if you can identify them? A. These are part of the box I took from the Culombe' home and turned over to Captain Chameroy.

Q. Have you any identification mark you put on those boxes or on the contents? A. Yes, I have my initials on the box—"D. P."

Q. Did you open up the box at the time? A. I just looked at them and saw there were bullets in it.

Q. Will you look in there now? A. There are bullets in this box.

Q. Are they the same type of bullet in the box you marked? A. That is right.

Q. How about the other box? A. These are Westerns .32's.

Q. Is that what they were? A. Yes, one box had those.

MR. BILL: I will take them separately. I will offer this.

MR. McDONOUGH: Unless the State's Attorney claims he will connect it up as revelant to the case of Culombe, I object.

MR. BILL: I will definitely, Your Honor.

THE COURT: There is no objection?

MR. McDONOUGH: No.

THE COURT: Of course, it has no reference at all to the Taborsky case. I assume you are going to offer—

MR. BURKE: Yes, I am going to object, Your Honor. I will just make a plain objection and later on I can move to strike it out.

MR. McDONOUGH: I think I ought to broaden my statement as to the case on trial. The case has a multitude of of angles, and unless the State will claim that these bullets were used in connection with the shooting of Kurpiewski or Janowski in New Britain, I will object. If the State so claims, I will not object.

MR. BILL: I will tell the Court definitely what I claim — that these two boxes contain what is known as Lubiloid bullets and I will claim that the two boxes will be connected up as being of the same type of bullets that are here in the jars for identification that were taken from the brain — just before I say that, Captain Chameroy—

(Conversation between Messrs. Bill and Chameroy.)

MR. McDONOUGH: Let us look at it this way — if the State's Attorney will merely state — I don't want to go into it in front of the jury — just that he will connect these bullets with the killing of Culombe or Janowski, I will not object.

THE COURT: You mean Kurpiewski — you said Culombe.

MR. McDONOUGH: Yes. And if he does not connect it I will move to strike.

MR. BURKE: And I will renew my objection.

THE COURT: Yes. What I want to say to the jury —I will say it again, and later on when we come to the

charge in the case, if we do, I will then explain it more in detail, but there will be offers of evidence, because we are trying two cases here, State versus Arthur Culombe and State versus Joseph Taborsky. Now, there will be perhaps other situations develop as this one is developing. This evidence is offered strictly in the case of State versus Arthur Culombe and it isn't being offered in the case of State versus Taborsky, and is being received only as evidence in the case of State versus Culombe this time. That is the only purpose for which it is being offered, is it not?

MR. BILL: That is why I was going to make a specific statement.

THE COURT: I understand, but that is true, is it not —it is being offered solely in the case of State versus Culombe?

MR. BILL: I think ultimately this will also come into the case of State versus Taborsky.

THE COURT: Rather than the Culombe case?

MR. BILL: Both

THE COURT: But in any event, I want to say further that whatever develops in the evidence, there will be portions of the evidence that will have to be considered with reference to only one case and you will disregard it as regards the other case, and as we go along from time to time I will try to point that out to you, but in any event, in the charge at the end of the case I can tell you what the law is and I will instruct you. I just want you to understand, and I am sure you do, what we are doing in this regard.

MR. BURKE: Let me make this statement for the record. As I understand, Mr. Bill is putting in the exhibits to be used in the Taborsky case, and if that is so then I want to renew my objection more forceably because I don't think they are admissible at this time to the issue here. There

is no question — no connection whatsoever, and if he wants to tie it up later on he could do it certainly by having them put in as exhibits for identification, not full exhibits, and then if they are to be tied up, he can do it with the witness who is tying them in. Otherwise I think it would be prejudicial.

MR. BILL: I am not here to have Mr. Burke direct me as to how to try my case, and I am offering it as a full exhibit and I claim it.

MR. BURKE: I don't claim to be telling him how to try his case. He can do a pretty good job without me.

THE COURT: You have both exchanged pleasantries, but let us get back to the evidence.

MR. BURKE: I certainly have a duty here and I think it is objectionable and not admissible at this time and is not tying Taborsky in with anything.

THE COURT: I don't think you need to belabor it, Mr. Bill. I will not allow them in as against Taborsky.

MR. BILL: I will withdraw the offer and ask that they be marked for identification, Your Honor.

THE COURT: It may be marked for identification — State's Exhibit X.

(Box of bullets marked State's Exhibit X for identification.)

Q. Sergeant Paige, this other box that you have in front of you, will you open that? Or first off, looking at the box can you identify it? A. Yes, sir, this is the box I took from Arthur Culombe's home on February 23rd.

Q. And will you open the box and look at the contents? What do you find? A. There's bullets in here.

Q. Do you know the kind? A. They are WRA thirty twos—or B&W thirty-twos.

Q. Are those the same contents in the box that you received down there at Culombe's house? A. That's right, sir.

Q. Is that correct? A. That's right, sir.

Q. So that is the box and the bullets that you took in your possession at that time, at Culombe's house?
A. That's right, sir.

MR. BILL: May that be marked for identification?

THE COURT: "Y" for identification.

(Box of bullets marked "State's Exhibit Y, for identification.")

Q. What did you do then after you took those into your possession? A. We came back to headquarters and turned over to Captain Chameroy.

Q. You mean these two boxes that you just identified?
A. Those were turned over to Captain Chameroy along with guns.

Q. Anything else? A. Along with the guns that we brought from the house?

Q. How many? A. Eight of them.

Q. Did you do anything other than that in this case?
A. No, sir.

Q. Now, during the next several days — this was on Saturday — I will withdraw that. When did you complete your investigation as far as Saturday the 23rd, was concerned? A. It was shortly after I came back from the Culombe home.

Q. And Culombe came back with you? A. That's right.

Q. And did you do anything there at headquarters

on the investigation after you got back? A. No, not that evening. I think I spoke to Culombe for a short while, a very short while.

Q. And where did these two men stay that night, do you know? A. I believe that they stayed at State Police Headquarters.

Q. Did you confer with them after that, say Sunday, the next day? A. Sunday I talked to Culombe for a while on another matter. Also Monday and Tuesday.

Q. When you say another matter, other than the New Britain matter that you talked about? A. That's right, sir.

Q. And what, Monday and Tuesday? A. Sunday, Monday and Tuesday.

Q. Then you talked with him on Wednesday, did you not? A. Wednesday, yes, sir.

MR. BILL: Your witness.

THE COURT: Mr. McDonough.

CROSS EXAMINATION BY MR. McDONOUGH:

Q. You talked to him a long time, didn't you, Sergeant? Saturday to Wednesday? A. I talked to him for a short while each day.

Q. You say that he stayed at police headquarters Saturday night. He was kept at police headquarters, wasn't he? A. Yes.

Q. He was in custody, wasn't he? A. He was placed under arrest that night.

Q. What time was he placed under arrest, Sergeant? A. I don't know; Lieutenant Rome placed him under arrest.

Q. What day? A. Saturday.

Q. Saturday. Then he was taken into custody Saturday afternoon, and sometime on Saturday he was placed under formal arrest? A. Yes, sir.

Q. And he has been in custody ever since, hasn't he? A. Yes, sir.

Q. Now, do you know that when he was first asked to come to headquarters, State Police headquarters he came of his own free will, drove his own car? You know that, don't you? A. You mean when he was with Taborsky?

Q. Yes. A. I heard about it later, what I heard in this court.

Q. And later on you found him at his home? A. That's right.

Q. So you assume, don't you, that he returned to his home and he was there when you arrived in the afternoon at about two-thirty? A. That's right.

Q. That's the same afternoon that he had been at State Police Headquarters earlier and left Taborsky there? That's so, isn't it? A. That's right.

Q. After leaving State Police Headquarters he had plenty of time to escape, for at least a half an hour, didn't he? When he was allowed to drive away, as far as you knew? You know that, don't you? A. Yes, sir.

Q. But he went to his home where you found him? A. That's right.

Q. And he was in the bathroom when you knocked at the door and were admitted by his wife? A. That's right.

Q. He lives at 20 Coleman Drive, with his family, does he? A. That's right.

Q. And what does his family consist of? A. I believe that he has two children.

Q. Young children? A. It seems to me that there is a daughter around thirteen and a younger daughter.

Q. And his wife? A. That's right, sir.

Q. The four of them live there? A. That's right.

Q. What kind of a home do they have? By rooms, I mean? A. Well, it is a regular project building. It has got a living room in it, a bedroom—two bedrooms, I believe and a bathroom and a small kitchen.

Q. How long were you at Culombe's home on Coleman Drive? A. Which time do you mean?

Q. When you went to pick him up? A. Just the five minutes that I waited for him.

Q. You were back at his home later, weren't you?
A. Yes, sir, that evening.

Q. When you took him into custody on Saturday afternoon with Officer Reimer, I think you said? A. Robert Reimer.

Q. You said that he put on his jacket and left the house with you and Officer Reimer? A. That's right.

Q. And went to State Police headquarters. What kind of jacket was it?
A. I don't remember. It was a short jacket of some sort.

Q. Brown leather? Well, it was a leather jacket anyway, was it? A. I am not sure.

Q. A short jacket? A. It was a short jacket. I remember him putting it on.

Q. You later took him, you said, to Coventry and Rocky Hill, and then you stopped and had dinner, did I understand you to say? A. That's right.

Q. Where did you have dinner? A. In Wethersfield?

Q. Where in Wethersfield? A. At a diner, Tina's Diner, in Wethersfield.

Q. Now, was Culombe under arrest at that time when he was being taken to Coventry and Rocky Hill?

A. Actually I know they consented to go. Whether they had been placed under arrest at that time I am not sure.

Q. They didn't have much choice, did they? You say that they consented to go? A. That's right.

Q. What choice did they have? Supposing they said "No". What are you smiling about?

A. They would have gone anyway.

Q. They would have gone anyway? A. That's right.

Q. So they didn't have much choice. Now, were they provided with attorneys? A. No, sir, I didn't provide them with any.

Q. Were they asked if they wanted attorneys? A. I don't know.

Q. Were they told of their rights, Constitutional rights? A. I didn't tell them.

Q. You didn't hear anyone else tell it to them?

A. No, sir, not that I know of.

Q. That was as you described to the State's Attorney, part of your investigation, these trips? A. That's right.

Q. And this questioning? When you went to Culombe's home to take him into custody what was his condition? Was he drunk or sober? A. He was sober.

Q. Did he do any drinking at the time? A. You mean while he was with me?

Q While you were there with Officer Riemer?
A. No, sir.

Q. Now, if he were drunk you would not have questioned him, would you? You wouldn't question a drunken man, would you? A. I don't think you would get very good answers from him.

Q. In the course of the questioning did Culombe have anything to drink, in the course of the investigation?
A. Not that I know of. Not while he was with me.

Q. Did you find out later on that he did? A. No, sir.

Q. Did you inquire of any of the officers who gave Culombe and Taborsky liquor while in the State Police cruiser? A. No, sir.

Q. Did you ascertain that drink was given to both Taborsky and Culombe in the state police cruiser while the investigation was being conducted? A. No, sir. This is the first that I have heard of it.

Q. Are you sure? A. Yes, sir.

Q. Do you know of a couple of bottles being thrown in an ash can at a diner in Rocky Hill, one a liquor bottle and one a soda bottle, by these men, these accused?
A. No, sir, I don't remember anything like that.

Q. Did you know of a bottle of liquor, a fifth of liquor being in a state police cruiser where these men were in custody. A. No, I don't remember anything like that.

Q. Did you ask—question withdrawn. Were you in a diner in Rocky Hill? A. No, sir.

Q. Were you in a diner in the course of your trip to Coventry and Rocky Hill and have something to eat, you and the prisoners? A. Yes, we stopped in Wethersfield.

Q. On the road from Rocky Hill? That's when you stopped at the diner, wasn't it? A. That's right, before going to the barracks.

Q. Now, did you say to both of these accused men, "What officer was in that cruiser and let you guys drink?"

A. This was the day that we went to Rocky Hill?

Q. Yes. I am asking you the question. Don't ask me.

MR. McDONOUGH: May the question be read, Your Honor?

THE COURT: Yes, read the question, Mr. Burke. (Last question read by reporter.)

A. Mr. McDonough, I believe you are right.

Q. All right, tell us about it. A. I remember vaguely when we were at Coventry somebody had a bottle there, one of the prisoners, or I remember saying, something like that, but I don't—

Q. Do you recall, Sergeant, why you asked that question? A. No, I don't remember.

Q. Well, it is because you apparently had reason to believe they had been drinking while in police custody? That is the reason that you asked that, isn't it? A. Well, I must have felt that they had had a drink. I don't remember that, Mr. McDonough.

Q. Was there an investigation of these men being allowed to drink while in police custody and being subjected to an examination or an investigation? Was there an investigation by the department of that incident? A. No, sir.

Q. You are sure that there wasn't? A. Not that I know of.

Q. Don't you as a sergeant, as a police official, think that there should have been? A. No, sir.

MR. BILL: Objection.

THE COURT: I will allow the answer.

Q. Your answer is "No, sir?" You know Culombe's physical condition, don't you? A. I don't quite understand what you mean.

Q. Do you know his physical condition?

MR. BILL: Objection.

A. No, I don't know his physical condition.

Q. Do you know now and did you know at the time that you had him in custody, his mental condition.

A. What is his mental condition?

Q. Do you know? A. No, I don't.

Q. Don't ask me. I am asking you. Did you know?

THE COURT: Wait a minute, Mr. McDonough. I agree that the officer should not have asked you the question and you did use some judgement in not answering it. He can't answer questions and you have no right to ask him Sergeant. Should he do it, Mr. Donough, I would appreciate your not answering them, and the Court will take proper action in that regard. Let's proceed with the examination.

MR. McDONOUGH: May the qusetion be read?

THE COURT: Read the question, Mr. Burke. (Question repeated by reporter: "Do you know now and did you know at the time that you had him in custody, his mental condition? A. What is his mental condtion- Q. Do you know? A. No, I don't."

Q. Well, Sergeant, at that time wasn't his mental condition discussed among you officers over at state police headquarters? A. I know whatever he told me about himself.

Q. And he told you that he had been in a mental institution, didn't he?

A. He told me that he had been—had attended a school for the feeble minded in Massachusetts.

Q. Did he tell you that before that he had been in Bridgewater Mental Hospital in Massachusetts, the big one, for observation for thirty-five days before he went to that mental school for boys? Did he tell you that?

A. I think so, I am not sure.

Q. Don't you know the effect that liquor has on mental—people with mental diseases? A. No, sir.

Q. You don't? Did you think that it was wise during the course of that investigation for a man that was being questioned, who had been a mental patient, to be allowed to drink? A. Mr. McDonough, if I knew that there was liquor in the car it would not have stayed there.

Q. Do you know now that there was? A. You brought it to my mind that I did ask a question like that.

Q. Sergeant, there must have been a reason that you had for asking that question. A. That's right, because I must have thought that they had a drink.

Q. They acted as though they had been drinking, didn't they? A. No.

Q. Well, what made you think that they had a drink?

A. I don't know. I suppose that their breath was strong, or something.

Q. At what time, Sergeant, did they have dinner in

the Wethersfield Diner? A. We were there about seven o'clock, I believe.

Q. And he was taken into custody—that is, Culombe was—at two-thirty? A. That's right.

Q. And it was at the Wethersfield Diner that you wanted to know what officer, quoting you, "What officer was in that cruiser and let you guys drink?" That was at the Wethersfield Diner, wasn't it?

A. I don't know. I know just that I did ask something like that. I don't know just whether it was there or whether it was at Coventry.

Q. Do you think that it is advisable when men are being questioned and while in custody to have them drinking hard liquor? A. No, sir.

Q. Did any officer tell you that the bottles were deposited in an ash can at the Wethersfield Diner?

A. No, I don't remember that.

Q. Do you know where the liquor came from that they drank? A. No, I can't say that I do.

Q. Do you know that liquor entered State Police Headquarters and came out of State Police Headquarters with them and into the cruiser? A. That would have been the only way that they got it.

Q. I am not by any means, Sergeant, insinuating or meaning to insinuate that you had anything to do with it, when I ask these questions, but you don't know how the liquor got into State Police Headquarters, left State Police Headquarters and got into the cruiser, do you? A. No, I don't.

Q. But you knew that there was something wrong as as far as liquor was concerned, or you had reason to believe it—let's put it that way—isn't that so, Sergeant?

A. I knew I asked somebody that question. I don't remember the—

Q. What did they have for dinner at the diner? A. I don't remember. They had whatever they wanted.

Q. They ate pretty well, didn't they? A. Yes, sir.

Q. They ate real dinners, you officers had sandwiches, didn't you? A. I don't remember.

Q. They were wined and dined, both, weren't they? A. They were not wined, sir.

Q. Well, they wined or they whiskied, let's put it that way. A. If they did that it was without my knowledge and we had nothing to do with it.

Q. And they were fed pretty well, weren't they? A. We always feed our prisoners well.

Q. You fed them well anyway? A. We always do.

Q. These men, wanted for a brutal murder, were fed well and were in your custody and treated pretty well up to a certain point, weren't they? A. Yes, sir.

Q. Up to a certain point?

MR. BILL: Objection, Your Honor.

MR. McDONOUGH: That is a fair question.

MR. BILL: That's like "When did you stop beating your wife?"

MR. McDONOUGH: What's the wife got to do with it?

THE COURT: I will sustain the objection, Mr. McDonough, much as I might be interested in the answer.

Q. Well, we will go as far as a standpoint. You brought him back to headquarters and then what happened

—we will start this again. I asked you about a leather jacket or a jacket that Culombe was wearing when he was taken into custody. Did he continue to wear that jacket?

A. No, sir.

Q. He removed that at your request, didn't he?

A. Yes.

Q. You told him he didn't look good in it? A. I told him I wanted him to look the same as we did so I gave him my coat.

Q. Well, you men look like distinguished and are distinguished Officers. You didn't want him to look like a policeman, did you? A. I didn't want him to look any different than anybody else.

Q. You didn't have leather jackets? A. No, sir.

Q. What did you have on? A. I had a coat on.

Q. What kind of a coat? A. A topcoat.

Q. A raincoat or a cloth topcoat? A. A cloth topcoat.

Q. And you wanted him to look like you? A. He is a good looking man.

Q. I am sure he will appreciate that. Is that why you wanted him to look like you? A. I wanted him to look like the rest of us in clothing.

Q. Is that what you mean when you told him to take off his jacket and put on a coat? A. Yes.

Q. Didn't you tell him he didn't look good in the jacket and he looked better in a topcoat? A. I don't know exactly the words, but that is what I told him.

Q. You said he didn't look good in a jacket and to take it off and put on a topcoat. You don't seriously disagree with that? A. No.

Q. Did he look better in a topcoat? A. He looked dressed the way the rest of us were.

Q. Was it a fashion show you were going to?
A. No, it wasn't, sir.

Q. But he had to be dressed according to the way you gentlemen wanted him to? A. I was trying to give him a break.

Q. You were trying to give him a break? A. That's right.

Q. You mean you wanted him to look like someone he wasn't? A. I wanted him to look dressed like the rest of us.

Q. Why were you so fussy about Culombe's appearance who was being picked up in a murder investigation in the middle of preparation—why were you?

MR. BILL: Objection.

Q. Why were you so worried about him being dressed up? That wasn't the reason you wanted him dressed. You wanted him to be dressed up to be identified as a man wearing a topcoat, didn't you? A. No.

Q. What did you bring him to Coventry for?
For identification purposes.

Q. And to wear a topcoat to go to Coventry? A. No, sir.

Q. But he wore a topcoat to Coventry? A. Yes.

Q. And he wore it to Rocky Hill? A. Yes.

Q. Just to have him dressed up and seen with officers?
A. I wanted him dressed the same way the rest of us were so that they would have a proper identification.

Q. And if you were wearing red jackets you want him to wear one as you fellows, is that right? A. If we had one

Q. Has Culombe still got that topcoat? A. Yes, sir.

Q. Is that the topcoat he was wearing when he was presented in this courtroom when arraigned on the indictment? A. Yes.

Q. And that is the topcoat you said he was dressed up in — it was a dirty, greasy, filthy old thing, wasn't it?

A. Mr. McDonuogh, I have worn it myself.

Q. You might have worn it, Sergeant, but I am asking you about the time Culombe got it — it was a dirty topcoat, wasn't it? A. It wasn't a new coat.

Q. It wasn't a new coat, no. Where is that topcoat now? A. As far as I knew he still has it.

Q. In the cell at the County Jail? A. I presume so.

Q. Are you going to make a present of it to him?

A. Yes, sir.

Q. Where is his jacket? A. I believe it was held at State Police Headquarters.

Q. That is why you gave him the topcoat and took the jacket? A. That is a question?

Q. I will withdraw it and agree to have it stricken.

THE COURT: It is withdrawn and it may be stricken.

Q. Now it is gone. Who was the Officer handling the cruiser these men were in when they went on that trip?

A. I think it was Officer Griffin.

Q. Did either one of those two men have anything in their hands when they left State Police Headquarters and entered the cruiser? A. Not that I know of.

Q. Well, you mean you didn't see? A. I didn't see.

Q. They might have had and they might not have had — you did not notice it? A. Well, I was trying to watch them.

Q. Well, were you looking at them? A. I was watching them as closely as I could.

Q. Would you say that neither one of them had a paper bag in their hands and had bottles in their hands when they entered that cruiser? A. Not that I know of.

Q. Well, you mean you don't know? A. I don't know.

Q. What time did you leave the barracks or State Police Headquarters Saturday night, the night Culombe was taken into custody? A. Somewhere around midnight.

Q. When you left the barracks at midnight, where was Culombe? A. I believe he had been locked up.

Q. Downstairs? A. Downstairs.

Q. In a cell block? A. That is right.

Q. Where is the boiler room in the State Police Headquarters at the barracks? A. I presume it is in the cellar.

Q. In what building? A. Of the barracks itself.

Q. In the barracks down in the basement of the barracks. Have you been in the boiler room? A. I am trying to fix exactly where the boiler room is. I don't know exactly where it is — there is pipes leading down through a sub-cellar we have — I don't know where it does go to.

Q. You have never been in the boiler room? A. I don't think so.

Q. Did you ever hear of the "Captain's Chair"? A. No, sir.

Q. Never heard of one located over at State Police Headquarters—and not in the Captain's office? A. No, sir, I don't know what you mean.

Q. Have you ever heard of a Captain's chair in the boiler room at State Police Headquarters? A. No, sir.

Q. You never heard of it? A. No, sir.

Q. Much less having seen it. You wouldn't say there is no such chair in the boiler room? A. I don't know what you mean.

Q. Never heard that expression over there?
A. No, sir.

Q. Do you have an interrogation room or rooms in the State Police Headquarters? A. We have one room we more or less could use for that.

Q. Is it known as the interrogation room? A. I suppose so.

Q. What is an interrogation room? A. It is a room where you sit down and there is a table and a chair.

Q. And anything else unusual about a room of that type? A. No, sir.

Q. How about mirrors? A. No, sir.

Q. How about the upper part of the doorway—nothing on the transom? A. No, sir.

Q. Do you know what a bug is? A. Yes, sir.

Q. What is a bug, used in police language? A. It is used to listen in on in a room.

Q. Is there a bug in that interrogation room? A. I believe so.

Q. Is the boiler room used for interrogating purposes?
A. I don't know where the boiler room is.

Q. So that whether it is used for interrogating purposes, you don't know? A. I have never heard of it.

Q. Well, interrogating at the State Police Headquarters is not confined to that one room, is it? A. You can sit most anywhere and talk to a person.

Q. Was Culombe interrogated? A. Yes, he was talked to.

Q. By whom? A. I spoke to him.

Q. Well, you say he was talked to. Is interrogating as it is used in Police Headquarters merely conversation?
A. That is right, sir.

Q. That is all? A. That is right, sir.

Q. Suggestive conversation? A. Sometimes.

Q. How forceable do the suggestions get?

MR. BILL: Objection, Your Honor.

THE COURT: Sustained.

Q. How far do the suggestions go?

MR. BILL: Objection, Your Honor.

MR. BURKE: Claim it.

THE COURT: I will sustain the objection.

MR. McDONOUGH: Exception, please.

THE COURT: Surely.

Q. How long was Culombe interrogated by you?
A. On what day?

Q. Well, we will start off with Saturday?

A. Saturday I spoke to him for just a short while after we came back from dinner.

Q. That don't mean a thing. A. We came back at seven and we drove to his home at a quarter past eight.

Q. Say half an hour and then you came back from dinner and you talked with him? A. That is right.

Q. How long? A. I talked to him after we came back for about an hour asking him about the guns.

Q. By the way, after a nice dinner down at the diner and a ride and the whiskey, what was his attitude as you talked to him after that dinner,—was his attitude friendly? A. No different than before.

Q. It was friendly? A. He always was that way.

Q. Cooperative, wasn't he? A. He was doing a lot of lying.

Q. Do you think the liquor had anything to do with it? A. I don't know.

Q. It might have influenced the statements, that is true isn't it? A. He gave us no statements at that time.

Q. Well, he talked to you? A. Yes, sir.

Q. Well, what he said,—let us put it that way. Don't you think that liquor influenced him a bit? A. I don't know. I don't know if he had anything to drink.

Q. You knew at the time, didn't you, that he had something to drink, or you suspected it because you questioned these men about it — there was a fifth of liquor involved? A. I don't know.

Q. Did he show the signs of drinking when he answered questions A. No sir.

Q. Now, you said except when he lied or when he was lying to you,—sometimes he told you what you called the truth, isn't that right — or did he lie all of the time?

A. No, he told the truth, and he lied too.

Q. He did both? A. He did both.

Q. He told you various stories? A. That is right.

Q. Do you think a man with a clear head and a sound brain would tell a different type of story than he did?

MR. BILL: Objection.

THE COURT: Sustained.

Q. Did he have a clear head — I mean as far as alcohol was concerned — when you were talking to him?

MR. BILL: I object to it — the clear head part.

MR. McDONOUGH: I said as far as alcohol was concerned.

THE COURT: I will sustain the objection in that form. You are entitled to pursue that line, however.

Q. Do you believe the alcohol he drank affected him in his answers to you? A. On Saturday, no, sir.

Q. You didn't. Did he carry his liquor pretty well?

A. I don't know that he had any liquor.

Q. Well, I suppose up to the time on Wednesday or Tuesday or Monday or Sunday — did he get along well with you men in answering the questions, or did he always get along well with you? A. You mean did he always tell us the truth?

Q. Yes. A. No, sir.

Q. When did he lie to you? A. I would ask him various questions and he wouldn't tell us the truth about it.

Q. There was one time he wanted a lawyer, wasn't there — he asked for a lawyer? A. He never asked me for a lawyer.

Q. I didn't ask you whether he asked you. I asked you whether he asked for a lawyer? A. I don't know.

Q. Do you know that he asked Lieutenant Rome for a lawyer? A. I don't know.

Q. Don't you know he was threatened? A. No, sir.

Q. Do you know or did you see anyone else taken to the State Policee Headquarters in connection with Culombe —did you examine any members of his family or did you bring anyone else in? A. No, sir.

Q. Did you make any more trips to Culombe's house? A. Yes, sir.

Q. Who did you see there? A. Mrs. Culombe.

Q. Did you talk to her? A. No.

Q. Did you bring her to State Police Headquarters? A. No, sir.

Q. Did you see her in State Police quarters at any time? A. Yes, I did.

Q. Did you see the child at State Police Headquarters —the little girl? A. Yes, I did.

Q. His wife and little girl were both at State Police Headquarters, weren't they? A. That's right.

Q. They were taken into custody, weren't they? A. I don't know—they were there.

Q. Well, where were they in headquarters? A. At the Special Services office.

Q. And they were questioned, weren't they? A. I don't know. I had nothing to do with talking to them.

Q. Did you make sure that Culombe knew his wife and little girl were at headquarters? A. I believe she talked to him that night.

Q. And you men talked to Mrs. Culombe and the child alone, didn't you? A. I did not.

Q. Who did? A. I don't know—I wasn't running the investigation.

Q. I beg your pardon? A. I say I wasn't running the investigation.

Q. Who was running the investigation? A. Lieutenant Rome was in charge.

THE COURT: I think we will stop here, Mr. Mconough.

MR. McDONOUGH: Yes, Your Honor.

THE COURT: Will you escort the accused from the courtroom?

You may step down.

The alternates may retire to their room, if you will and the jury may retire to their room.

Take a short recess, Sheriff.

(Recess at 11:29 A.M.)

JUNE 6th, 1957. 11:50 A. M.

(Accused present)

THE COURT: May I have the alternates, Sheriff, and the jury?

(Jury and atlernates present)

THE COURT: You may proceed, Mr. Donough.

DONALD PAIGE, resumed the stand and testified further as follows:

MR. McDONOUGH: May I have the last question and answer?

THE COURT: Surely. Read it, Mr. Burke.

(Last three questions and answers read by reporter).

CROSS EXAMINATION BY MR. McDONOUGH (RESUMED).

Q. Well, now, Sergeant, you know that Lieutenant Rome was questioning Mrs. Culombe, don't you? You heard him questioning her Sunday night, didn't you, when you were questioning Culombe? A. No, sir.

Q. Well, you were questioning Culombe Sunday night, weren't you? A. I remember talking to him on Sunday afternoon.

Q. Well, think and see if you didn't talk to him Sunday night. Did you talk about Danny Lisco? A. Beg pardon?

Q. Did you talk about Danny Lisco Sunday or Sunday night?

MR. BILL: I didn't get the question.

THE COURT: Read it Mr. Burke.

(Last question read by reporter.)

THE COURT: Will you answer?

A. I don't know who Danny Lisco is.

Q. Do you know where the Dug Out is? A. Oh, yes.

Q. Who owns the Dug Out? A. His name is Danny. I don't remember his last name.

Q. It is a gambling joint, isn't it? A. I don't know.

Q. You heard about it? A. I heard of it.

Q. You have heard about it as a gambling joint, haven't you? A. That's right.

Q And there was a Hartford detective questioning Culombe in your presence on that Sunday night that you speak of, about Danny Lisco, wasn't there, in State Police Headquarters? A. That's right.

Q. Now, you do remember questioning him Sunday night? A. It was Sunday afternoon.

Q. You questioned him Sunday afternoon, there is no question about that. You didn't question him Sunday night again? A. No. This Sergeant, the Sergeant from the Hartford Police was with me in the afternoon, as I remember, and we talked to Culombe about this Dug Out, about an incident that occurred there.

Q. Well, you brought Culombe upstairs in State Police Headquarters from the cell block on Sunday afternoon, didn't you? A. I don't remember.

Q. Have you got a good memory or a poor memory? A. It's fair.

Q. Is it a convenient memory? Do you remember what you want to remember and forget what you want to forget? A. No, Mr. McDonough.

Q. Now, Sergeant Paige, this man Culombe here was questioned Sunday afternoon and Sunday night and his wife was questioned Sunday night, wasn't she?

A. I don't remember her being there Sunday night.

Q. Well, now, for a long time, touching upon your memory, you failed to remember about a bottle of liquor in a police cruiser, and then you remembered it. Now will you devote the same amount of time to refreshing your memory as to whether or not this conversation didn't run

into Sunday night? A. It may have. I don't remember when we—

Q. Let's leave it "It may have". A. All right.

Q. As a matter of fact, isn't it so that you questioned him, as you said, Sunday afternoon and later Sunday evening you brought him a sandwich and a glass of milk—or that is, you brought it for Culombe?. A. That may have been so.

Q. And then a Hartford detective—I think it is Sergeant Daly, was it—was in the room questioning Culombe about Danny Lisco, the man who is supposed to operate the Dug Out, and you were there, isn't that so?

A. I spoke to him about it myself.

Q. Both of you gentlemen? A. Yes, I did.

Q. You and Sergeant Daly? And was it Sergeant Daly? A. No, I don't think that is the name.

Q. Was it some Hartford detective? A. That's right.

Q. Didn't you ask Culombe if he tried to get into Danny Lisco's place, the Dug Out? A. That's right.

Q. Now—and he denied it? A. He admitted it.

Q. Well, he said that he tried to kick a window in, isn't that what he said? A. That's right.

Q. And he said he was alone, that's right, isn't it?

A. He said that he was alone and then there was two other men in a yard there.

Q. Didn't the Hartford sergeant say to him "Don't you know that that place is a bee's nest", meaning it was loaded with gamblers? A. I don't remember that.

Q. Now, while you were questioning Culombe with the Hartford officer, that took place in a little room up-

stairs in police headquarters, didn't it?

A. We were upstairs for a while, then we went down to the barrack's lounge room.

Q. The barracks lounge? When you were questioning Culombe in the room upstairs was there someone being questioned in the room across the hall? Was there a lady being questioned there? A. I don't remember. There was a lot of activity.

Q. Didn't you hear a lady crying across the hall while she was being interrogated by Lieutenant Rome? A. No, sir.

Q. Well, did you hear a lady talking? A. I don't remember.

Q. Well, now, we will go to work on that memory A. Okay, sir.

Q. You always remember after a while. Didn't you hear a lady say to Lieutenant Rome "I don't know why I should tell you about my personal life. I haven't committed a crime." A. I didn't hear that.

Q. Is there a transom in the room, or in the door of the room that Culombe was being questioned in on Sunday night or Sunday afternoon? A. I don't think so.

Q. Wasn't Culombe deliberately placed in that room and questioned about a gambling situation that had nothing to do with your murder investigation, for the purpose of allowing him to hear his wife sobbing while she was undergoing a police examination? A. No, sir.

Q. Wasn't that your purpose? A. No, sir.

Q. His wife was in headquarters at that time, wasn't she? A. I don't know.

Q. Well, refresh that memory again. Did you see her in headquarters Sunday night? A. She may have been

there, I don't remember her. I had nothing to do with her

Q. Well, we will determine whether or not this did happen. A. Okay.

Q. She may have been there, this might have been, Sergeant, what it had to do with. She was being questioned, she was crying, within earshot of this man here, and he was obviously disturbed by it, wasn't he?

MR. BILL: I move that that be stricken.

MR. McDONOUGH: I claim it.

THE COURT: I will sustain the objection.

MR. McDONOUGH: May I have an exception?

THE COURT: Certainly.

Q. Wasn't it apparent to you that Culombe was very much disturbed that evening during the questioning by yourself and the Hartford detective? A. No more than he had been right along.

Q. He had been disturbed right along? Well, we have gone this far now, that she may have been in headquarters at the time that this questioning was going on. Now, will you go this far? Do you know whether or not she was in a room across the hall from where you were questioning Culombe, or in a room next to the room where you were questioning Culombe?

A. I said I did not know if she was in the building on Sunday.

Q. Do you know whether or not his young child, a little girl, was being held at police headquarters with her mother while he was being questioned? A. On Sunday?

Q. Any day. Well, Sunday, that is what I am talking about. A. I don't remember her being there Sunday.

Q. The little girl was in headquarters, wasn't she?
A. I remember seeing her there Tuesday night.

Q. Was the mother of that little girl, the wife of Culombe, under arrest? A. She was never under arrest as far as I know.

Q. She never has been under arrest? She didn't come to police haedquarters of her own free will, did she, Sergeant? A. I would say she did. If she came to headquarters she came because we asked her to come.

Q. Let's go back to what you say, voluntary trip, and then you later said he would have gone anyway. Supposing she refused to come, would she have been brought?

MR. BILL: Objection.

MR. McDONOUGH: Claim it.

THE COURT: I will sustain it.

MR. McDONOUGH: Exception, please.

THE COURT: Surely.

Q. Was she brought to State Police Headquarters by state police?
A. I don't know Mr. McDonough. I wasn't running this investigation.

Q. But you say that she was not under arrest. Was she?
A. As far as I know, during no time at all was Mrs. Culombe under arrest by the State Police Department.

Q. We will come back to your statement a minute ago, you were not running this investigation. You said that Lieutenant Rome was. A. That's right, sir.

Q. He is a lieutenant and you are a sergeant?
A. That's right.

Q. You were second in command to him, weren't you, in this investigation?

A. I was working for and with him.

Q. You were the next man under him, weren't you?

A. There's a lot of other sergeants working throughout the State.

Q. Sergeant Paige, I admire your modesty, but you were the second in command, weren't you, in this investigation, to Lieutenant Rome? A. I suppose you could say that.

Q. So you should know whether or not either Mrs. Culombe or the little girl were under arrest? They were not? A. To the best of my knowledge at no time were they under arrest, or—

Q. Or what? A. Or brought there by any—

Q. Now, we will come to that.

MR. BILL: Let him finish.

MR. McDONOUGH: I am sorry.

THE COURT: Do you want to complete your answer?

A. By anything out of the way, as far as I know, if they came there. I know once I saw them there.

Q. By "any way out of the way", what would you consider out of the way? A. If they were forced to come.

Q. They were, weren't they? A. Not that I know of.

Q. Doesn't an invitation from the Connecticut State Police mean more than a simple invitation? A. No, sir.

Q. Supposing Taborsky and Culombe were there, invited downtown to meet the Lieutenant Rome, that you

claim that you heard testified to, had declined the invitation, they would have come, wouldn't they?

MR. BILL: Objection.

MR. McDONOUGH: Claim it.

THE COURT: I am going to sustain it for several reasons, but the main one is he already answered that and said they would have been forced to come.

Q. They would have been forced to come and that is the truth, so Mrs. Culombe and the little girl, if they didn't accept the invitation to come down to State Police Headquarters, they would have been forced to come down, wouldn't they?

MR. BILL: Objection. We haven't any evidence that he had anything to do with it.

THE COURT: I will sustain the objection.

MR. McDONOUGH: Your Honor please, he was second in command.

THE COURT: I will sustain the objection.

MR. McDONOUGH: Exception, Your Honor please.

THE COURT: Certainly.

Q. Do you know who invited Mrs. Culombe and the little girl down to headquarters? A. On Tuesday night?

Q. Any night. A. As far as I know, it must have been Lieutenant Rome.

Q. Your hearing is good, I assume, Sergeant? A. I assume so, sir.

Q. And you are sure, now that your hearing is good, are you sure, refreshing your memory, that you didn't hear the lady crying and crying violently Sunday night?

A. I don't remember that, Mr. McDonough.

Q. You don't remember? That's the way that you will leave it? A. No, sir.

Q. Did you hear the little girl crying in police headquarters? A. No, sir.

Q. How long was the little girl kept in police headquarters? A. I remember seeing her there Tuesday night. I think I saw her there for about an hour.

Q. About an hour Tuesday night, Sergeant?
A. That's right.

Q. Now, do you know that Culombe knew that his wife and little girl were in Police Headquarters — that he knew that? A. Tuesday night he was talking to her.

Q. He knew they were there Sunday night, didn't he?

MR. BILL: Objection. He stated he didn't know himself.

MR. McDONOUGH: I am asking if Culombe knew they were there.

THE COURT: Of course, there is an intermediate question that could be asked, but I will allow it. You can answer.

THE WITNESS: I don't know if Culombe knew that.

Q. You don't know? A. No, sir.

Q. Did he see his wife before Tuesday night?
A. Not that I know of.

Q. In other words, he was taken into custody, held in custody, questioned for hours, locked up from Saturday afternoon at two-thirty and he was not allowed to see his wife until Tuesday night; that is correct, isnt it?
A. No, sir.

Q. When did he first see his wife? A. He was invited into the State Police Headquarters.

Q. We are forgetting the invitations for awhile. Answer the question.

THE COURT: Read it, Mr. MacClashan.

(The reporter read the question.)

THE WITNESS: To the best of my knowledge he saw her Tuesday night.

Q. Well, between the time he was taken into custody and locked up and held in custody from Saturday afternoon at two-thirty, until Tuesday night, he was not allowed to see his wife, was he? A. I don't know that.

Q. Well, the first you knew he saw his wife was on Tuesday night? A. That's right.

Q. Did he see anyone between Saturday afternoon at two-thirty and Tuesday night other than his wife? A. I think he saw a lot of people.

Q. Who? A. Well, I think he went to New Britain Police Headquarters on Monday and Tuesday.

Q. Oh, yes. They have a cage down in the courtroom there. A. I don't know.

Q. Weren't you ever in there? A. No, sir.

Q. You weren't there that night? A. No.

Q. I'm not talking about New Britain Police Headquarters or any people who were brought in to look him over. I am asking you whether or not he saw anyone as a visitor friendly to him with the exception of his wife between Saturday afternoon and Tuesday night? A. I don't know.

Q. You don't know. Weren't you in a position to know?

A. No, Lieutenant Rome would be the only one who knew that.

Q. You were constantly on this investigation, weren't you? A. That's right.

Q. You were assigned to it, weren't you? A. That's right.

Q. And you were in and out of Police Headquarters and in contact with Lieutenant Rome and other Sergeants and Officers on this case concerning Taborsky and Culombe all the way through, weren't you, up until the time they were presented in this courtroom? A. That's right.

Q. And you were not allowing anyone to see Culombe until it was okayed by yourself, Rome or the group?

A. Lieutenant Rome was running this thing; I had nothing to do with it.

Q. Wouldn't you stop someone from seeing him unless it had the approval of Lieutenant Rome? A. If I was in charge of the man, yes.

Q. You would even stop a lawyer from seeing him?

MR. BILL: Object to that.

THE COURT: Sustained.

MR. DcDONOUGH: Claimed. I intend to follow it up with the defense that he was prevented from seeing a lawyer.

THE COURT: I can't pass on what you intend to do. I sustain the objection at this time.

Q. Did he see a lawyer before Tuesday night? A. I don't know.

Q. Did you or Lieutenant Rome allow him to see a lawyer?

MR. BILL: Objection, Your Honor.

THE WITNESS: I had nothing to do with him.

Q. I asked if you did. The question is not whether he had anything to do with it.

THE COURT: The question wasn't did he allow him. The question was, did Lieutenant Rome.

MR. McDONOUGH: I will strike out Lieutenant Rome.

Q. Did you, Sergeant, allow him to see a lawyer between Saturday and Tuesday night?

MR. BILL: I object until there is production of authority for that.

THE COURT: I understand. It is cross examination and I will overrule the objection. Will you answer the question?

THE WITNESS: I don't know how it was worded.

THE COURT: Read it, Mr. MacGlashan.

(The reporter read the question.)

THE WITNESS: I had nothing to do with allowing him or not allowing. Whether he saw a lawyer I don't know.

Q. You met his lawyer the first time his lawyer walked into State Police Headquarters? A. His present lawyer?

Q. Yes. How many lawyers did he have? A. I don't know.

Q. I said his lawyer. What do you mean by his present lawyer? That is the first time you ever met me, isn't it?
A. That is right, sir.

Q. And until I informed you I was appointed by the Court to see Culombe as his attorney, you were hesitant about allowing me in to see him, weren't you? A. Mr. McDonough, I had nothing to do with stopping you or anybody seeing him.

Q. That isn't the question. May it be read?

THE COURT: Read the question, Mr. MacGlashan.

(The question was read.)

A. I can't answer that, Your Honor.

THE COURT: All right.

A. It doesn't make any sense to me.

Q. It doesn't make sense to you? A. No, I don't quite understand what you mean.

Q. You do recall his lawyer, who happens to be the one asking you questions now? A. Yes, I remember meeting you over at headquarters.

Q. Walking into headquarters? A. Yes.

Q. And you were informed I was his Court appointed attorney? A. Yes.

Q. And weren't you a bit doubtful—didn't you hesitate before you allowed me to see Culombe? A. I don't remember hesitating. I brought you upstairs, if I remember right.

Q. After a little while? A. Yes, sir.

Q. Culombe hasn't seen any other lawyer in the meantime, has he? A. I don't know.

Q. He hadn't seen anyone up to the time, had he? A. I don't know.

Q. He had been presented in court before that day

even, hadn't he? A. He was presented in court on Tuesday, if I remember.

Q. What day was it I came to State Police Headquarters? A. That is what I am trying to think.

Q. It was on the following Friday, wasn't it—after I had referred to you as the Cook's Tour taking place—that is when I came in, wasn't it? A. I guess it was on Friday I saw you, Mr. McDonough.

Q. That was after Culombe had been presented in court? A. Yes, that is right.

Q. And Taborsky had been presented in court?
A. That is right.

Q. After they had gone on more trips with the State Police? A. That is right.

Q. You had been with him quite frequently up to that time, hadn't you? A. Up to Friday?

Q. Yes? A. Yes, sir.

Q. You were one of the men closely attached to him, weren't you? A. That's right.

Q. And you remember the appearance of Culombe as he sits there in your coat before the Court, don't you?
A. Yes, sir.

Q. How is it you didn't go to New Britain with him?
A. I had another assignment, if I remember.

Q. Don't you know that Culombe had asked for an attorney? A. No, I don't.

Q. Over at State Police Headquarters? A. No.

Q. A lawyer? A. No, sir, I don't.

Q. Don't you know the only way he got an attorney was by a Judge in the court sitting on this bench where

His Honor sits — don't you know that an attorney was appointed and was allowed to confer with him — don't you know that was the first time he was allowed to see a lawyer? A. No, I don't. I know there was an attorney appointed by the Court.

Q. Did any more question arise during the rest of the week about any more liquor being consumed by this individual Culombe? A. No, sir.

Q. You were safeguarding against it, weren't you? A. Mr. McDonough, that time you are referring to about the first day that we picked him up, I remember that Taborsky had some packages with him, and in it I believe there was a bottle of liquor. They were not under arrest and we didn't take anything away from them, and that is where this liquor came from you are referring to. When they were placed under arrest they were searched, of course, at that time, and there was no liquor on them. I never saw them drink liquor at anytime they were with me.

Q. You have refreshed your recollection during the recess period, haven't you? A. Yes, I have.

Q. How have you refreshed it? A. I asked one of the men that was with me.

Q. And he told you what you are testifying to now? A. That is right.

Q. You didn't know that of your own knowledge? A. I didn't remember it, no.

Q. He told you that Taborsky had a fifth of whiskey and a bottle of soda when you picked him up? A. He said he had part of a bottle of liquor.

Q. Taborsky was allowed to carry a bag into the State Police Headquarters in the conduct of a murder investigation without the bag being searched? A. I don't

know whether it was searched or not. I know he had something with him when he came with us.

Q. You don't think it was, and when he was taken on that trip and was in custody that you allowed him to carry a bag around without being searched—he might have had a gun in it? A. He wasn't in custody at that time.

Q. He was in custody when he was taken on the trip to Coventry and Rocky Hill? A. No, he wasn't.

Q. Well, if he didn't go he would have had to go?

A. That's a different story. It didn't come up.

Q. Well, if it did come up, that would have been the situation? A. Yes.

Q. He just didn't know he was in custody — as far as you people were concerned, you had him and have had him ever since? A. He wasn't in custody at that time. They went along with us voluntarily.

Q. How much liquor was in the bottle? A. I don't know — I don't remember seeing it.

Q. You talked over your testimony with your brother State Policeman when you left the stand? A. I asked this question about the liquor because it was bothering me.

Q. And you talked it over with them? A. That part of it, yes.

Q. And you talked over what you were going to say when you resumed the stand? A. No, sir.

Q. Did you ask about the Captain's Chair? A. No, sir.

Q. Did you ask Lieutenant Rome about it? A. Yes, sir.

Q. Did you find out what it was? A. No, sir.

Q. What else did you ask him? A. That is all.

Q. You have never been in the boiler room and you don't know what the Captain's Chair is. There are things going on over there you don't know anything about, is that right? A. I guess you are right, Mr. McDonough.

Q. You didn't ask me during recess, did you? A. I should have. That would have been one way of finding out.

Q. Oh, that would have had an answer, but I don't think the Court wants you to ask me questions.

THE COURT: No, I think I made it rather clear I didn't want him to.

Q. I want it understood that it is not a nice plush cushioned chair in the Captain's office. I don't mean any such chair as that.

Now, did you make any suggestions to Culombe when he was being questioned as to what he might do to ease his problems?

A. I don't quite understand your question.

Q. You know what a suggestion is? A. I don't quite understand what you mean by it.

Q. You know what a problem is? A. Yes, I have had a lot of them.

Q. We all have and we have them right now, haven't we? A. Yes, you and I.

Q. Now, Culombe had problems on Sunday, the day he was questioned, the day after being taken into custody —he had problems, didn't he? A. Well, he was under arrest at that time.

Q. Well, he had problems? A. Yes.

Q. What was he under arrest for — what was he charged with? A. The felony law at that time.

Q. What felony law? A. I don't remember exactly how it goes.

Q. He was charged with murder, wasn't he? A. No.

Q. What were you enforcing—what were you investigating—a murder? A. We were investigating a lot of incidents, Mr. McDonough.

Q. Well, what felony law was he charged with, Sergeant,—you are a Police Officer, you have this man in your custody—he was booked, what was he booked with?
A. He wasn't booked until Monday, as I recall.

Q. Where was he booked? A. In New Britain.

Q. Did you have the intention Sunday night of booking him, charging him with a crime? A. I had no intention of anything; I was merely assisting in investigating —I wasn't in charge.

Q. You went along with the train? A. I was assigned as a worker.

Q. You went along for the ride again with Lieutenant Rome? A. I don't understand.

Q. You went along on the investigation train? A. I assisted in the investigation and did what I was assigned to.

Q. Let us get down to facts. Didn't you say to Culombe, "Wouldn't you like to take a smaller rap instead of a big rap?" Didn't you? A. I don't remember using words like that.

Q. Now, we have your memory problem. You don't re-

member. Right now you don't remember telling him, "Wouldn't you like to take a smaller rap instead of a big rap?" You know what a rap is in Police language—what is a rap? A. A rap would be an arrest.

Q. And in going a little further in the disposition of criminal cases, it is a sentence? A. Yes, that is right.

Q. And it could mean a death sentence. A. It could be most any kind of sentence.

Q. That would be a rap? A. Yes.

Q. The death sentence? A. Yes.

Q. And a man charged or held in custody for a crime where the death sentence might be imposed, if he took that sentence he would be taking what you would call quite a a rap, wouldn't he? A. Yes, sir.

Q. Death. And it might be a good idea, wouldn't it, if he could take a smaller one in order—instead of the big one—death? A. Yes.

Q. And it might appeal to a man if that suggestion was made to him that if he were smart, he would take a smaller rap? A. Yes, sir, it would.

Q. And you know that as a Police Officer in the conduct of your investigation that that appeals to people? A. That is right.

Q. But you know it didn't appeal to Culombe, don't you? A. I don't know.

Q. Didn't you ask him? A. I don't remember asking him a question like that.

Q. Is that your best answer? A. That's right.

Q. You won't say you didn't? A. I won't say I did and I don't remember asking him any such thing.

Q. You won't say you didn't and you won't say you did, that is what it amounts to, asking any such thing?

A. I don't remember asking him anything like that.

MR. McDONOUGH: That's all, Sergeant.

THE COURT: Mr. Burke?

CROSS EXAMINATION BY MR. BURKE:

Q. Now, Sergeant, when you brought the two men to the police barracks did you keep them together or did you separate them? A. You mean that first day?

Q. You brought them to the police barracks the first day, didn't you, Sergeant? A. I brought Culombe in. Somebody else brought in Taborsky.

Q. Were you present when they both came in?
A. No.

Q. You were not? A. No.

MR. BILL: There is no evidence that they both came in, Your Honor.

THE COURT: I understand that. There has been no objection.

MR. BILL: I object.

THE COURT: The evidence stands now. I think it is fair. There is nothing pending. Go ahead, Mr. Burke.

Q. Sergeant, did you - strike that - were Taborsky and Culombe permitted to be together at any time alone, I mean from Saturday on? A. Yes, they were with me together on the ride to Rocky Hill and Coventry.

Q. They weren't alone together, were they?
A. Oh, no. They were with us.

Q. They weren't kept in the same cell, were they?
A. After they were locked up, no, they were not kept in the same cell.

Q. They were locked up in different cells, weren't they? A. That's right.

Q. And when were they first locked up, Sergeant?
A. Saturday night.

Q. Saturday night? Now, prior to their being locked up they were kept in separate places, weren't they?
A. Well, they were being talked to by different people.

Q. I am not asking you that. Please answer my question.

THE COURT: Please, Mr. Burke. I don't like to have the witness directed what to say by anybody but me. If you want to rephrase that question you can start from there.

MR. BURKE: May I have the question read, Your Honor?

THE COURT: Will you read it, Mr. Burke, please?

Q. (repeated by reporter) Now, prior to their being locked up they were kept in separate places, weren't they?
A. When they were being talked to they were in different rooms.

Q. When they weren't being talked to where were they kept, separately or together? A. As far as I know they were separated.

Q. You know, sergeant, that at all times they were kept separate, don't you? A. That's right.

Q. Now, where was the cell that Taborsky was kept, in relation to the cell that Culombe was kept? A. There was a cell in between them.

Q. There was a cell in between them? And the reason for that was so that they would have no access to each other? A. I presume so. I wasn't running this investigation, Mr. Burke.

Q. I only want to know, Sergeant, what you saw and what you heard. A. Yes, sir, I will be glad to tell you that.

Q. If you would, please. A. Yes, sir.

Q. There was a cell in between the two cells that they were in? A. That's right.

Q. And they were constantly separated? A. To the best of my knowledge.

Q. Now, at the time that you locked Taborsky up on Saturday night, what time was he locked up, would you say? A. I don't know, I think it was somewhere around, oh, ten or eleven o'clock.

Q. Ten or eleven o'clock? At that time before you locked him up did you place him under arrest? A. I did not.

Q. Do you - did anyone place him under arrest to your knowledge? A. I believe that Lieutenant Rome did.

Q. Placed him under arrest before he locked him up? A. I believe so. I am not sure.

Q. Prior to that he was there simply on invitation of Lieutenant Rome? A. That's right.

Q. And he could have walked out at any time that he wanted to? A. I don't know. He didn't try it.

Q. You know that he couldn't, don't you, Sergeant? A. I know that we would not have let him, but he didn't try it.

Q. When you took him out for this ride, you took him to Coventry, didn't you, both of them? A. That's right.

Q. You took them in a police cruiser? A. That's right.

Q. And they were told that they were going on this tour? A. They were invited to go on it.

Q. They were told, weren't they, that you were taking them out to have somebody look at them? That's right.

Q. And if they didn't want to go you would have taken them, wouldn't you? A. I presume so.

Q. Well, you know so? A. That is a very hard question to answer. We may have brought the witnesses there.

Q. All right. Now, when Taborsky left the headquarters he had with him a bag, didn't he? A. Yes.

Q. And you saw the bag? A. I remember —

Q. Fairly large bag? A. That's right. He had some private stuff in there.

Q. It contained two bottles, a bottle of gingerale and a bottle of liquor? A. That's right, Mr. Burke.

Q. Now, prior to his leaving did you talk to Taborsky? A. No.

Q. Were you close to him? A. What do you mean, was I standing alongside of him?

Q. Or near him? A. I guess so, at different times.

Q. And you knew that he had been drinking, didn't you? A. No, sir.

Q. You didn't smell his breath, or couldn't? A. I don't remember noticing anything like that.

Q. How many people got into that cruiser that went for the tour? A. There must have been five.

Q. Who drove? A. Officer Griffin, if I remember right.

Q. Who sat in the back seat? A. Culombe and Taborsky, and there was another officer there.

Q. Moran, wasn't it? A. I don't think so. I don't remember exactly who was in the back seat.

Q. Wasn't Griffin driving, you were next to Griffin? A. That's right.

Q. In the back seat was Taborsky, Culombe and Moran? You know Moran, don't you? A. Yes, sir. I don't remember. I thought it was Shea, but I am not quite sure myself.

Q. Now, at the time that you took them on the tour were they in custody? A. No, sir.

Q. Of the police? A. They were with us, but they went on the trip voluntarily.

Q. And they could have, if they pleased, stopped the tour at any time that they wanted to? A. Well, they didn't try to.

Q. Well, could they have? You were in charge of that detail.

MR. BILL: Objection, Your Honor.

THE COURT: I will sustain the objection.

Q. Who was in charge of the detail of police that took these men on a tour? A. I was.

Q. Now, as the man in charge, could they have left the tour at any point on it?

MR. BILL: Objection.

MR. BURKE: I claim it, Your Honor.

THE COURT: On what basis?

MR. BURKE: On the basis that he was in charge of the tour and he certainly could tell us whether or not he would let them walk away or hold them.

THE COURT: I will sustain the objection.

MR. BURKE: May I have an exception?

THE COURT: Certainly.

Q. Did they ask you to leave at any time? A. No, sir.

Q. Did you tell them that they could not leave? A. No, sir.

Q. Did you tell them that they could leave? A. No, sir.

MR. BILL: Objection.

THE COURT: I will sustain it.

MR. BURKE: I have the basis for the objection, Your Honor?

THE COURT: I don't think that it is necessary.

MR. BURKE: May I have an exception, then?

THE COURT: Oh, you certainly may. That you are entitled to.

Q. You went out to Coventry first, didn't you?
A. That's right.

Q. And after you left Coventry you went down to Rocky Hill? A. That's right.

Q. And when you got to Coventry you went in a store first, didn't you? A. I think so, yes.

Q. Well, you know so, don't you? A. I believe I did.

Q. Who went in the store with you? A. Taborsky and Culombe.

Q. At the same time? A. I am of that opinion but I am not sure.

Q. Isn't it a fact, Sergeant, that you and another policeman went into the store first and left Griffin and Culombe and Taborsky outside, and then you came back and all five of you went in? Isn't that the way that it happened? A. I am not sure, Mr. Burke. I remember that we went into the store, we came out and they got in the cruiser and then I went back again. Then I asked Culombe and Taborsky to step out of the car for a while and I had somebody look at them then. That is the best of my recollection.

Q. Then from there you drove them down to Rocky Hill? A. That's right.

Q. And you stopped at a package store? A. That's right.

Q. Now, you took them into the package store?
A. That is correct.

Q. Who went into the package store with you? A. What officer?

Q. Yes. A. Well, there was an officer in the package store already with some other people. I presume that they all went in with me.

Q. And then did you all come out together? A. I came out with another person, and an officer, went over to the car and I think the others went into the police car - no, wait a minute. I am a little confused between that trip and the one that we had sometime later. I can't answer that, Mr. Burke. I don't remember.

Q. Isn't it so that while you were in the package store that's when the liquor was consumed in the car by both these men? A. It may have been.

Q. Well, you know it to be true, don't you? A. No, I don't. I am a little hazy on that whole thing. As I said before, I remembered asking somebody that question that Mr. McDonough asked me but I don't remember the circumstances, too much of that.

Q. Well, after you left the package store you went where? A. We went to Tina's Diner in Wethersfield.

Q. Now, isn't that where one of the state policemen threw away the liquar bottle and the ginger ale bottle, empty? A. I think that you are right.

Q. And weren't you in the car when Taborsky asked you where to throw the bottles? A. I think that you are right, Mr. Burke.

Q. And then one of the state policemen took the bottles and threw them in the rubbish at the diner, or the rubbish can, whatever it was? A. I believe that you are right, Mr. Burke.

Q. Now, did you at that time, Sergeant, attempt to ascertain how much liquor was consumed? A. No, sir.

Q. You didn't ask about it at all? A. I must have asked that one question about who allowed this man to take a drink, and beyond that point I -

Q. You knew -

THE COURT: Do you want to finish you answer?

THE WITNESS: I don't remember the exact circumstances of it.

THE COURT: Go ahead, Mr. Burke.

Q. You knew that they had consumed more than a drink, didn't you? A. I don't imagine I did, if I asked that question in that way.

Q. Didn't you know that they had consumed the bottle? A. Assuming that the bottle was full, which I don't think that it was.

Q. Well, how do you know, or why do you think it was not full? You didn't see the bottle, you said.

A. Because when I inquired about it during the recess somebody said there was just a couple of drinks in it.

Q. They didn't tell you that the bottle was almost full only had a couple of drinks out of it? Is that what they told you? A. No.

Q. And that Taborsky drank half of the bottle and Culombe drank the other half? A. Mr. Burke, these people were not intoxicated at any time.

Q. Just answer that question, please. A. No, nobody said that to me.

Q. Nobody said that to you? A. No, sir.

Q. And you didn't ask about that? A. No, sir.

Q. During the recess did you talk to Officer Griffin?

A. I - he was there.

Q. You knew that he was the man driving the car that night, didn't you? A. That's right. I said something about where did this liquor come from.

Q. And wouldn't he be the man that you would ask about it, Sergeant? A. Not necessarily, only because I remembered that he was the one that was with me.

Q. You wouldn't ask Lieutenant Rome about it. He wasn't there, was he? A. No, he wasn't.

Q. But Griffin was? A. Yes.

Q. And you knew that Griffin was the one who let them drink the bottle of liquor, didn't you? A. No.

Q. Didn't you know that Griffin was the one who told them "Go ahead and drink it"? A. I don't remember that, Mr. Burke.

Q. Don't you remember when you asked "Why were these men permitted to drink liquor", you asked Griffin, didn't you?

MR. BILL: When was this, may I ask the Court, at recess, or during the trip?

MR. BURKE: I am talking about during the trip.

THE COURT: I so understood it. I don't know whether the witness did or not.

THE WITNESS: I don't remember when I asked that question and who I asked that question of.

Q. Did you get an answer to your question "Who let these fellows drink?" Did anybody answer that question when you asked it? A. That is the part that I don't remember.

Q. Well, were you content with the answer that you got? A. I must have been. I did nothing further about it.

Q. So if you asked somebody who let a man do this, they must have given you a name? A. Not necessarily. They may have evaded the question. We were pretty busy at that time.

Q. And you would have permitted the evasion?
A. I might have.

Q. Now, you didn't want these men drinking, did you?
A. No, I didn't.

Q. You didn't want them doing anything that you didn't want them to do? A. I didn't want them drinking while they were with us.

Q. And they were under your control, weren't they?
A. They were with us on a voluntary basis at that time.

Q. You were in control of these men, weren't you?
A. Yes, they were in our car. We were driving.

Q. You were controlling their conduct while they were with you? A. That's right.

Q. That is the reason you didn't want them drinking on this trip? A. Well, I didn't think it was proper.

Q. But did you ever find out who permitted them to drink? A. Mr. Burke. I honestly don't remember.

Q. Didn't you find out during recess? A. No, I didn't ask that question.

Q. You didn't ask the question? A. No, sir.

Q. Did you du ng recess try to find out who was with you in the car besides Griffin? A. No.

Q. Did you try to find out during recess whether the other officers saw bottles? A. No. Well, excuse me.

THE COURT: Go ahead.

A. I inquired about this drinking being done - this drinking business because I couldn't remember. I only remembered that one remark, and I was told he had a bottle with him in his personal stuff - that Taborsky had - and that must have been where the remark came from.

Q. Well, his personal stuff was only a bag with two bottles in it - one of liquor and one of ginger ale?

A. That's right.

Q. Before these men went out on tour, you say they were not under arrest or in custody? A. That's right.

Q. Just a personal proposition? A. Yes.

Q. If that is so, why did you search Taborsky before you started out? A. I searched him?

Q. Yes. A. I don't remember searching hi[redacted] would be a natural thing to do, even if he was coming on a voluntary basis.

Q. You searched his pockets and his wallet before you left? A. I personally did that? I don't remember doing that. I may have.

Q. If you didn't do it, your men did? A. I don't remember seeing that.

Q. You know he was searched, don't you? A. I don't know he was searched; it would have been the proper thing to do considering who —

Q. Would you search a man who wasn't in custody or under arrest? A. Well, it would all depend on the circumstances.

Q. Well, if you did search him or had him searched, what authority would you have for so searching him?

MR. BILL: Objection, Your Honor.

THE COURT: Sustained.

Q. Let me asked you this: Did you feel you had a right to search him? A. Under the circumstances, yes, sir.

Q. You felt he was in your control, then? A. Well, it was on a fifty-fifty basis.

Q. Fifty-fifty? A. Yes.

Q. Fifty-fifty he was with you, and fifty-fifty you had him? A. He was going along with us, but we had to be in a position to protect ourselves.

Q. To maintain that he would go with you? A. No, he actually wasn't forced at any time to go with us.

Q. You say you don't recall having his pockets searched or searching his wallet? A. No, I don't remember that.

Q. If you searched his wallet that wouldn't be for weapons, would it? A. It would be for addresses.

Q. You were not afraid of an address to protect you from? A. No, only a tie-in.

Q. Certainly you wouldn't have searched his wallet for a weapon to protect yourself from? A. Not necessarily.

Q. Why did you search his wallet? A. It is routine.

Q. It is routine after a man is presented under arrest or before? A. It depends on the circumstances.

Q. If I were invited over to your barracks, would you search my wallet when I went in?

MR. BILL: Objection.

THE COURT: I will sustain the objection. We will stop here, Mr. Burke. You may escort the accused from the courtroom. The alternates may leave. No, I forget.

I have to give you your instructions. Don't tale to this case to anyone or allow anyone to discuss it with you. Should there be anything in the newspapers you will not read it; should there be anything on the radio or television during the lunch hour, you will not listen to it. When you come back at two o'clock report to the jury room and the alternates to their room. You are now excused.

Sheriff, recess until 2:00 P.M.

(Recess at 12:50 P.M.)

JUNE 6th, 1957 - 2:05 P.M.

(Accused present)

THE COURT: Sheriff, may I have the alternates and the jury?

(Jury and alternates present)

DONALD PAIGE, on the witness stand.

THE COURT: You may proceed, Mr. Burke, whenever you are ready.

MR. BURKE: May I have the last question?

THE COURT: I don't think that you want that. That is the one where you asked about whether they would search you and I wouldn't let him answer.

CROSS EXAMINATION BY MR. BURKE: (RESUMED)

Q. Now Sergeant, I think that you testified that on that Saturday night Taborsky was locked up in the State Police barracks? A. That's right.

Q. Was he under arrest at that time? A. I believe that he wes.

Q. What was he charged with? A. Lieutenant Rome was the one that placed him under arrest.

Q. You don't know what he was charged with?
A. I believe that he was charged with that felony law.

Q. What felony law? A. The one where you can arrest a person on - that you feel has committed or is about to commit a felony.

Q. And was he told that, do you know? A. I don't know, sir.

Q. You didn't tell him? A. No.

Q. Do you know of your own knowledge whether anyone else told him he was under arrest? A. No I wasn't there.

Q. Did you lock him up? A. No.

Q. Do you know who locked him up? A. No, I don't know what officers did.

Q. Did you, or any other officer that you heard, or in your knowledge tell him why he was being locked up?
A. I have no knowledge of that.

Q. Now, in the cell that he was locked up in, that is a pretty bare cell, isn't it? A. It is a regular cell, with a cot.

Q. A cot? It has got a sink, has it? It has water? Are you familiar with it? A. I believe so.

Q. Well, in the sink, for instance, it has a push button arrangement, doesn't it? A. I don't know.

Q. Were any towels furnished to him, do you know?
A. I don't know.

Q. Any soap? A. I don't know.

Q. Or anything furnished to him that he could use to keep himself clean, to your knowledge? A. I don't know.

Q. Do you know whether or not these things were withheld from him? A I don't believe so.

Q. But you don't know, do you? A. No, I don't.

Q. Now, do you recall being in a room with Lieutenant Rome and Taborsky, maybe on Tuesday or Wednesday, and a lot of commotion occuring in the room next door, or across the hall? Do you remember that? A. No, I had very little to do with Taborsky.

Q. Do you recall when you were in a room that Lieutenant Rome came in and over your shoulder said "Get a doctor for that other fellow", meaning Culombe. Do you recall that? A. No, sir.

THE COURT: Keep your voice up.

A. No, I don't.

Q. You have no recollection of that at all? A. No, I haven't.

Q. You don't have any recollection of any such commotion going on in the room that Culombe was it? A. No, sir.

Q. Did you on that Saturday or any other day within the next few days go to see Mrs. Taborsky, Joseph's mother? A. No.

Q. You didn't? A. No.

Q. Did you send anybody out? A. No.

Q. Do you know whether or not anyone else sent anybody out? A. I don't know.

Q. Do you know whether or not anybody there went out there, any state policemen? A. I don't know.

Q. You say that you had very little to do with Taborsky? A. That's right.

Q. Only this tour that you took where the liquor was involved? A. That's right.

Q. That is all that had to with him?

MR. BURKE: I think that's all.

THE COURT: Mr. Bill.

REDIRECT EXAMINATION BY MR. BILL:

Q. Just one question, Sergeant. When you stopped at Rocky Hill at the package store what was the purpose of stopping there?

A. For identification.

Q. Was it an investigation? A. Yes.

Q. That concerned the package store? A. That's right, and others.

MR. BILL: Thank you.

THE COURT: Mr. McDonough?

RECROSS EXAMINATION BY MR. McDONOUGH:

Q. Investigation? Investigation of what, Sergeant? You just told Mr. Bill investigation. In the course of your investigation. A. It was an investigation of something that had occurred there.

Q. All the activities that you testified to were in the course of an investigation of crime, and that investigation carried several trips about Connecticut, didn't it?

A. We had this one trip and then one more.

Q. Did it take any trips into Massachusetts on your part? A. No, sir.

Q. You didn't go to Massachusetts? A. No, sir.

Q. Now, you said in the course of this investigation—

and by the way, when you were answering my questions on cross-examination you could not recall the dumping of the bottles in an ash can at Rocky Hill, or at the Wethersfield Diner, but I think in answer to Mr. Burke's questions you did recall that bottles were thrown into an ash can.

A. I said that I recall something about that. I am not so very clear on that.

Q. During the morning recess, before you took the stand, you testified you refrsehed your recollection by talking to other state police officers. During the noon recess have you refreshed your recollectino by talking to state police officers? A. No, sir.

Q. Have you discussed your testimony or any testimony in this case during the noon recess with other state police officers? A. Nothing that I can remember.

Q. Now, you told Mr. Burke, that you didn't —and possibly I am wrong. Correct me if I am. I don't know whether you said you did not recall hearing someone shout from the room that Culombe was in to get a doctor. Did you so testify? A. I said that I didn't remember anything like that.

Q. Now, we will come back to your memory. Will you say that no one did shout from the room where Culombe was being questioned, "get a doctor"? A. To the best of my knowledge

Q. To the best of your knowledge, but you won't deny that such a thing occurred, will you?

A. Well, I didn't hear it.

Q. Culombe was badly in need of a doctor, wasn't he, during the course of this investigation? A. No, sir, not that I know of.

Q. When the investigation was all over and when he was brought into this court he was pretty well tired out,

wasn't he? Physically tired out and it was apparent to you, wasn't it? A. He needed a shave.

Q. He needed a shave and he needed a rest, didn't he?
A. I suppose so.

Q. Yes. He hadn't been given much sleep, had he?
A. Yes, he had.

Q. In the course of your investigations at State Police Headquarters or at this investigation did you use a lie detector or was one used, to your knowledge? A. No, sir.

Q. You know what hypnotism is, don't you?
A. Yes, sir.

Q. Was any hypnotism tried on Culombe. A. No, sir.

Q. And I ask you this, Lieutenant—or Sergeant. Did you ask Culombe "Did you ever take a lie-detector test?" Did you ask him that question and did he answer "No"?
A. I don't remember asking him that.

Q. Your answer is that you don't remember? Do you remember a reply—a statement to him relative to a lie detector. "Would you like to take one?" And he answered "Yes." A. I don't remember any questions about a lie detector.

Q. Did you ask Culombe, "Were you ever hypnotized?" And he answered "No"? A. No, I don't remember that.

Q. And did you say to him in relation to hypnotism, "You could be?" A. I don't remember talking to him about that at all.

Q. You don't know whether an attempt was made to have Culombe think that he was being hypnotized, do you? A. Would you mind repeating that?

MR. McDONOUGH: Don't laugh. This is a serious question.

THE COURT: No, I will have it read for you. Read it, Mr. Burke.

(Last question read by reporter).

A. Not to the best of my knowledge.

Q. Well, there was great pressure brought to bear on Culombe? You know what I mean by "pressure", don't you, Sergeant? A. I know what you mean by "pressure".

Q. And it was used on Culombe, wasn't it? A. Not while I was there, sir.

Q. Wasn't a lack of sleep, long hours of questioning, pressure? He needed a shave, needed to be cleaned up? Wouldn't you call that pressure? A. If that was true.

Q. Well, he did have lack of sleep, didn't he? You testified to that, as I understood you.

A. No, he slept every night.

Q. Well, he was questioned by various officers, wasn't he? Details of officers?

A. He was spoken to by other officers other than myself.

Q. Spoken to is what you call it? For an hour at a time or more? A. I believe so.

Q. You did not go to New Britain when he was brought to New Britain, did you? A. No.

Q. Do you know who took Culombe to New Britain?

A. I know that Lieutenant Rome was there. I don't know who else was there.

Q. He was in charge of the New Britain trip?

A. That's right.

Q. You do know that Culombe was booked at State Police Headquarters, don't you? A. He was booked in New Britain.

Q. Do you that he was booked in Hartford also before he was taken to New Britain? A. I don't know that.

Q. And about the New Britain booking, all you know is what you were told, because you weren't there?
A. That's right.

Q. When did you last question Culombe?
A. Wednesday afternoon.

Q. And he was arrested on the following — on a previous Saturday? A. That's right.

Q. You didn't question him at all since I walked into State Police Headquarters, did you? A. No.

Q. He had been kept at State Police Headquarters up until that point, hadnt he? A. Up until the day that you got there?

Q. Yes. A. No.

Q. Hadn't he been in custody at State Police Headquarters all that time? A. No, sir.

Q. Where had he been? A. Wednesday morning I went over to the county jail and brought him back to police headquarters.

Q. That is, he was in county jail Tuesday night, is that it? A. That's right.

Q. All day Tuesday he was in the State Police Headquarters, wasn't he? A. He was in court in New Britain, Tuesday.

Q. And he was brought from the New Britain Court to State Police Headquarters, wasn't he? A. That's right.

Q. And he was there in the afternoon when you questioned him? A. Tuesday?

Q. Yes. A. Yes. He was there. I don't remember what time they got back from New Britain.

Q. And he was there Tuesday night too, wasn't he? A. Tuesday, part of the evening.

Q. Did you hear anyone call Culombe a goddamn liar? A. You will have to refresh my memory — I don't remember anything like that.

Q. Was he called other names? A. Not that I know of.

Q. It is that your memory doesn't work up to that point, is that right? A. That is right.

Q. Well, did Lieutenant Rome call him a goddamn liar? A. I don't remember any such incident.

MR. McDONOUGH: That is all.

THE COURT: Anything further, Mr. Bill?

MR. BILL: Nothing.

THE COURT: Anything further, Mr. Burke?

MR. BURKE: Just one or two.

CROSS EXAMINATION BY MR. BURKE:

Q You were here when Taborsky was brought in for presentation? A. Here in court?

Q. Yes?. A. Yes.

Q. You noticed then he wasn't clean? A. That he wasn't shaven.

Q. Yes. A. He stated so,

Q. And he wasnt clean either — he had nothing to clean with,—do you remember that? A. I don't know. He had been at the County Jail.

Q. He had been in the Police Barracks, too, prior to that, when he was taken from the Police barracks to the County Jail. A. That was on Tuesday.

Q. Tuesday night? A. Yes.

Q. And then he was brought into this court when? A. Thursday.

Q. Now, from Saturday until Tuesday night he wasn't given an opportunity to clean up, was he? A. I imagine he washed. I wasn't in charge of him. I had nothing to do with Taborsky.

Q. Didn't you know there wasn't anything in the cell to wash with? A. He wasn't in the cell all of the time.

Q. He wasn't permitted to wash anywhere else was he? A. I don't know, you will have to ask Lieutenant Rome that question.

Q. You didn't question him at all? A. The only thing I had to do with him was that trip until the end.

Q. You are sure that when Taborsky was presented in this court he was taken from the County Jail here? A. Thursday he was brought from County Jail and stopped at the barracks and then brought over here.

Q. Stopped at the barracks — he didn't stay overnight Wednesday night in the barracks? A. I don't believe so.

Q. You don't think he was. Who brought him over here? A. I don't know.

Q. Well, were you on the detail that transported him across the road? A. I was with Culombe that Thursday.

Q. Well, Taborsky was with you, too, wasn't he?
A. No, we were in two separate groups, if I remember.

Q. In two separate groups? A. Yes.

Q. And you kept them separated all of the time?
A. They were separated to the best of my knowledge.

Q. And you didn't let one know what the other was doing, did you?

THE COURT: Is that a question?

MR. BURKE: Yes.

THE COURT: Read it. Mr. MacGlashan.

(The reporter read the qusetion.)

A. I don't believe so.

Q. Did you notify Taborsky's wife he wsa under arrest and locked up in the barracks? A. I didn't.

Q. Did you notify his mother? A. I didn't.

Q. Did you notify anybody? A. I didn't.

Q. Do you know whether anybody else did?
A. You will have to ask Lieutenant Rome that question.

MR. BURKE: That is all.

CROSS EXAMINATION BY MR. McDONOUGH:

Q. Do you know where Mrs. Culombe is right now?
A. No, I don't.

Q. Did you talk to any other Officers this noon about her?. A. No.

MR. McDONOUGH: That is all.

RECROSS EXAMINATION BY MR. BURKE:

Q. One question. This noontime you were downstairs, weren't you? A. Yes.

Q. Did you tell the officers down there when you were down there that if they didn't know the answer to something to say they didn't remember? A. No, sir, I did not.

Q. You didn't say that? A. No, sir.

MR. BURKE: All right.

THE COURT: Anything further, Mr. Bill.

MR. BILL: Nothing further.

THE COURT: You may step down.

(Witness excused).

SAMUEL ROME, a witness on behalf of the State, being first duly sworn by Mr. Coburn, testified as follows:

By Mr. Coburn:

Q. Your full name? A. Samuel Rome.

Q. Your address? A. 69 Mountain Avenue, Bloomfield.

DIRECT EXAMINATION BY MR. BILL:

Q. Your title? A. Lieutenant.

Q. How long have you been employed by the Connecticut State Police Department? A. A little over nineteen years.

Q. And how long have you been a Lieutenant?
A. A little over two years.

Q. What is your official position over there as far as your duties and activites are concerned? A. I am Lieutenant attached to the Detective Division, State Police Department.

Q. And as such were you called in at sometime to conduct an investigation on these killings down in New Britain—Kurpiewski and Janowski—on December 15, 1956?
A. Yes, sir, I was.

Q. As a result of the commencement of that investigation, what did you do—first off, when was it you entered this case? A. On December 18, 1956.

Q. Did you contact the New Britain Police Department? A. I did.

Q. Did you spend some time in New Britain?
A. Considerable time, yes.

Q. Did you make an investigation of the gasoline station? A. Yes, sir, I did.

Q. Did you go over the facts and the matters with other Police then investigating the case? A. Yes, sir.

Q. Then on February 23, 1957 did you see Culombe—Arthur Culombe and Joseph Taborsky—on that day?
A. Yes, sir, I did.

Q. Where? A. At State Police Headquarters, Detective Division.

Q. And whether or not you commenced an investigation at that time? A. I did.

Q. Will tell us as best you can, and in consecutive order, as best you can, what took place that Saturday as far as you were concerned in the investigation? A. It was decided by other Officers of the Department that the two men, Taborsky and Culombe be picked up and viewed by witnesses.

Q. This was prior to the time they were picked up on that day? A. That is right.

Q. Go ahead. A. And this was within my province

and I delegated two or more teams to go to different addresses where these men would be located. They were believed to have been togehter—

MR. McDONOUGH: I object to what was believed.

THE COURT: That may go out and the jury will disregard it.

Q. Were you at that time investigating other incidents? A. Yes, sir.

Q. Other than the New Britain matter? A. Yes, sir.

MR. McDONOUGH: I object and move to strike it out as immaterial and irrevelant.

THE COURT: Deny the motion.

MR. McDONOUGH: Exception.

THE COURT: Certainly.

THE WITNESS: Yes, sir, I was investigating other incidents.

Q. Was it in connection with some of these incidents you are now discussing? A. Yes, sir.

Q. Will you tell us what happened then?

MR. McDONOUGH: May I have that last question?

THE COURT: Read it, please.

(The reported read the two previous questions.)

A. I delegated and assigned more than two groups to pick up Joseph Taborsky and Arthur Culombe. As a result of those instructions they were brought to State Police Headquarters.

Q. That is when you first saw them? A. Yes, sir.

Q. And what did you do then concerning either or both of these men? A. I first laid eyes on Joseph Taborsky

when he was in my office. I was informed he was in my office and I went upstairs and I was seated at my desk and I talked to him and looked through his wallet.

Q. What did you do that for?

MR. McDONOUGH: I object to that.

THE COURT: Sustained.

A. And asked him—

THE COURT: There is no question pending. I sustained the objection.

Q. Go ahead and tell what you were doing after you looked at his wallet. A. Asked him whether or not he would accompany officers to some spots to be looked at for identification purposes. Joseph Taborsky agreed. I asked the same of Arthur Culombe and it was agreed with him, and the contingent left under the direction of Detective Sergeant Paige.

Q. Did you go on this trip? A. No, sir, I did not.

Q. Now at sometime did these two men return to State Police Headquarters? A. They did—later that afternoon.

Q. And did you then go on with the investigation? A. Yes, sir.

Q. And what took place then? First off, let us get the time if we can so we know about where we are. About what time did they take the trip? A. They took the trip between three and four o'clock I would say.

Q. In the afternoon? A. Yes, in the afternoon.

Q. On the 23rd of February? A. Yes.

Q. Do you know about when they returned? A. Around six—I am guessing.

Q. Were you at State Police Headquarters? A. Yes, sir.

Q. Is that where they were returned to? A. Yes, sir.

Q. Did you do anything further then and there in connection with the investigation? A. Yes, sir.

Q. What? A. I talked with both these men singly.

Q. Who did you take first? A. I believe Joseph Taborsky.

Q. What did you talk about? A. I told him we were investigating a crime in New Britain and other incidents and wanted to know whether he would answer some of my questions if it was agreeable to him, and we talked on one matter or another until fairly late, at which time County Detective Eddy Matus and I took Joseph Taborsky to a restaurant to feed him.

Q. Is this Saturday night? A. Yes.

Q. What was Taborsky's attitude—cooperative or hostile? A. Cooperative.

Q. Did he object during this time to talking on anything you asked him? A. Not at all.

Q. You say then Mr. Matus joined with you and you went somewhere? A. We went to the restaurant to feed him. We couldn't get a respectable meal at the barracks at that hour.

Q. What time was this? A. Eight or nine o'clock at night.

Q. Who went to the restaurant? A. Joseph Taborsky, Eddy Matus and myself, I believe.

Q. And what about Culombe? A. He was taken care of by Sergeant Paige.

Q. He didn't go to dinner with you? A. Not with us at the time.

Q. And then after dinner what happened? A. It was after—It was during dinner that I told Mr. Taborsky that I was strongly of the opinion he was connected and guilty of these crimes and I would attempt to prove it and he said, "That's your job."

Q. "That's your job"? A. That's right.

Q. Now, what happened after dinner? A. We returned to the barracks and I continued to talk to Joseph Taborsky, particularly about the New Britain incident, and he said that he was in the State of Connecticut on the 15th of December and he visited his mother's home and that he stayed with his mother at his mother's home all that evening and the next day he went back to his home in New York—the following night.

MR. McDONOUGH: What date was that?

THE WITNESS: He came on Friday the 14th, stayed all night and returned Saturday night.

Q. Now, he told you that Saturday night in that discussion? A. Yes, sir.

Q. And was that topic brought up at a later time with him? A. Yes, sir.

Q. Now, in the meantime did you do some checking? A. Yes, sir.

Q. And as a result of some checking, did you talk to Taborsky again about this Friday evening and Saturday incident he spoke of? A. I did.

Q. What did you say to him?

MR. McDONOUGH: Just a moment, please, I object. The only question that was put was did you do some

checking. I move to strike the question and the answer—did you do some checking—as being immaterial and irrelevant to this case.

THE COURT: I deny the motion.

MR. McDONOUGH: May I have an exception.

THE COURT: Surely. Read the last question, Mr. MacGlashan.

(The reporter read the last two questions.)

Q. First off, I will withdraw that. When was this second conversation about this incident? A. Later that night.

Q. That night? A. Saturday night.

Q. Later that Saturday night? A. That Saturday night, yes.

Q. And what did you say to Taborsky if anything? A. I told Joseph Taborsky I had checked—caused a check to be made on his story with his mother and that he wasn't telling the truth. We talked about that for sometime and finally Joseph admitted he was lying and said that he spent the night in a gambling house in Hartford.

Q. Which night? A. Friday night.

Q. That was Saturday night that this conversation took place? A. That is right.

Q. Anything else happen during this conversation? A. I talked to him further about these New Britain killings and he said he wouldn't admit to them because of the affect it would have on his mother even if he were guilty.

Q. Anything else take place? A. No, other than I talked with Culombe.

Q. You talked with Culombe? A. Yes, sir.

Q. Saturday night? A. Yes, sir.

Q. Before or after your conference with Taborsky?
A. I am of the opinion it was before and after—I am not sure—I talked with him.

THE COURT: You are speaking of Joseph Taborsky.
A. I am of the opinion it was before and after I talked to Joseph Taborsky.

Q. Do you remember anything significant about your talks with Culombe that night?

MR. McDONOUGH: I object to the form of the question.

THE COURT: Sustained.

Q. Do you remember anything about what was said either by you to him or him to you in your talk with Culombe that night?
A. I remember he denying that he was with Taborsky —he had been with Taborsky at anytime prior to that day, Saturday, that he was picked up, and Taborsky also made the same denial that he and Culombe were together at anytime.

MR. McDONOUGH: I move to strike the last part of the answer.

THE COURT: The last part may go out as non-responsive and the jury will disregard it.

Q. Anything else? A. I locked him up—I ordered him locked up for the night at the State Police Barracks.

MR. BURKE: Who was ordered locked up?

THE COURT: I will have the question read. That is all you are entitled to. Read it, Mr. MacGlashan.

(The reporter read the last answer.)

Q. Who was the person you are indicating there?
A. Them both.

Q. Now, the next day was Sunday. Was there any investigating done the next day on Sunday? A. Yes, sir.

Q. What did you do? A. We made an attempt to find the gambling house where Joseph Taborsky would have spent or could have spent that night on December 14.

Q. Did you have any success? A. No, sir.

Q. What else did you do—did you talk with either Culombe or Taborsky that day—Sunday? A. Talked with both of them.

Q. Did anything develop there in your conversation?

MR. McDONOUGH: I object to the form of the question.

THE COURT: What is the objection?

MR. McDONOUGH: The form of it — did anything develop. That is asking for a conclusion. It is like Tom Jones talking with Jack Brown and talking about what happened in the Red Sox game.

THE COURT: Don't be bringing up the pleasant things. It doesn't necessarily mean it is a conclusion.

MR. BILL: I will withdraw it. I think it is—

MR. McDONOUGH: You think what?

THE COURT: Never mind.

Q. During Sunday did you have any conversation with Culombe? A. I did.

Q. Did you have any conversation about the New Britain matter with Culombe? A. I did.

Q. Do you remember anything that was said by either of you to him in connection with the New Britain incident on Sunday? A. I do not.

Q. Taborsky — did you have any talk with him in connection with the New Britain affair on Sunday? A. I did.

Q. How many times did you talk to him? A. I don't know—on and off perhaps.

Q. Is that true of Culombe too? A. Yes, sir.

Q. Do you remember anything that you or Taborsky said concerning the New Britain affair that took place on Sunday? A. Nothing significant that I recall now.

Q. Now, coming to Monday, will you tell us what took place in connection with these two men — withdrawn. Where did they stay, these two men, on Sunday?

A. Stayed at the barracks.

Q. State police barracks? A. That's right.

Q. Now, on Monday will you tell us what happened in connection with these two men?

A. Monday we continued to talk to them, brought them to New Britain, talked with the prosecutor. We booked them at New Britain Police headquarters.

Q. On what charge? A. Breach of the peace.

Q. Both of them? A. Yes, sir.

Q. Was a bond placed? A. Yes, sir.

Q. How much was the bond? A. Twenty-five thousand dollars each.

Q. Each? A. Right.

Q. And what happened then that day?

A. We asked for a continuance until the 5th of March.

Q. Well, this was on Monday. A. I am sorry.

We returned—they were to appear at the New Britain police court the following day.

Q. So we won't be confused, this was Monday, and at what time in the morning or afternoon?

A. In the afternoon, around noon.

Q. In the afternoon? A. Yes, sir.

Q. You took these two men down to police headquarters in New Britain? A. Yes, sir.

Q. And the two men were booked down there on the charge of breach of the peace, is that what you said?

A. Yes sir.

Q. And a bond was fixed, each, of twenty-five thousand dollars? A. Yes, sir.

Q. Was the Court assignment date fixed at that time? A. Yes, sir.

Q. And what was the time? A. The next morning.

Q. That would be Tuesday? A. Yes, sir.

Q. And that would be the 26th, is that correct?

A. That is right.

Q. Now, what happened during Monday?

A. We returned them to the barracks.

Q. And did anything happen there? Did you have any conversations with these two men or either one of them?

A. I talked with them.

Q. Do you remember anything that was said either by you or either one of them about the New Britain incident?

A. Not about the New Britain incident.

Q. You say that you were talking to these men. Was it all confined to this New Britain incident? A. No, sir.

Q. Or are there other matters? A. Other matters. The New Britain incident and other matters.

Q. Now, what happened on Tuesday — before we get there, what happened Monday night? Where did they stay? A. At the barracks.

Q. And Tuesday what happened? A. Tuesday they were brought to New Britain police court.

Q. Brought before the court there? A. Yes, sir.

Q. And what was the disposition, if you know?
A. The case was continued to March 5th.

Q. That was a week from that particular date?
A. That's right.

Q. And was the bond fixed? A. Yes, sir, twenty-five thousand dollars.

Q. And where — what did you do then? A. I took them back to the state police barracks.

Q. And what happened then? We continued to interrogate them, I did, with other officers, and I talked with Mrs. Culombe, went to her home and talked with her.

Q. And how long were you there? A. I was there perhaps a half hour with officer Moran, I believe, and policewoman Doris Murtha.

Q. And when that was completed what did you do?
A. I asked her if she would come to the barracks—

Q. I don't want any conversation between you and Mrs. Culombe. I have avoided that particularly.
A. I asked her if she would come to the barracks later—

MR. McDONOUGH: I object to any conversation.

Q. I am not claiming it, Lieutenant. I think that you misunderstood me. A. I did.

Q. I don't want any conversation between you and Mrs. Culombe. That would be hearsay. I did ask you, however, what happened after you saw her?
A. I later saw her at the barracks.

Q. Saw who? A. Mrs. Culombe.

Q. And you went back there to the barracks?
A. I returned to the barracks.

Q. Did she come with you? A. She didn't come with me. I don't recall her coming with me. I think that the policewoman picked her up later.

Q. And you say that you saw her at the barracks?
A. Yes sir.

Q. This was on what day? A. Tuesday.

Q. Did you talk with her there? A. I did.

Q. Did you talk with Culombe? A. I did.

Q. Did you talk with them together? A. I did.

Q. Did you talk with them separately? A. I talked with Mrs. Culombe first. Then I had her come into the room where Mr. Culombe was.

Q. So your talk was with Mrs. Culombe first, at headquarters, and then with both of them afterwards?
A. Yes, sir.

Q. Is that correct? And was there any talk about the New Britain matter there?

Mr. McDONOUGH: Which conversation was this?

Q. With Culombe, or only when Culombe was present, is all I want.

A. Culombe's wife asked him whether or not he was responsible for these incidents, the New Britain affair, and if he was to confess to the police and tell them the truth. He said to his wife "I can't confess, because if two people go out to hold up a place and one goes inside and kills a man I would be responsible the same as the other guy."

Q. Anything else? A. Mrs. Culombe told him that if he was guilty she would press the button herself.

Q. Anything further? A. Mrs. Culombe then agreed to accompany me to the room where Joseph Taborsky was.

Q. Did you go there? A. I took Mrs. Culombe and we went to talk to Joseph Taborsky.

Q. Mrs. Culombe and you and Joseph Taborsky? A. Yes, sir.

Q. Anybody else? A. I don't recall.

Q. What was said there? A. I remember her throwing her bag down—her handbag down on the floor, and she started to charge at Joseph Taborsky, accusing him of causing her husband a lot of trouble.

Q. Did Taborsky respond to that? A. No. He remained very quiet. Of course, I got in between them to see that she wouldn't do anything that was wrong.

Q. How long did that last, that meeting? A. Probably ten minutes.

Q. And where were these rooms? For instance, I understood you to having had a conference with Mrs. Culombe and Arthur Culombe and yourself. What room was that in? A. I am of the opinion that I talked with Mrs. Culombe in Captain Schwartz's office.

Q. I mean, where did you have your meeting with the three of you. Culombe, Mrs. Culombe and you?

A. That was upstairs in the Detective Division.

Q. And where was Taborsky at that time? A. He was in another room.

Q. In another room? A. Upstairs.

Q. Did you go from this room that you speak of, to the other room where Taborsky was?

A. Or I had Taborsky brought up to this same room afterwards.

Q. You don't remember? A. No, I do not, Mr. Bill.

Q. Anything that you remember that happened during Tuesday after that?

A. We took them over to the county jail and locked them up for the night.

Q. They were over the county jail, both of them?

A. Yes, sir.

Q. And now comes Wednesday, February 27th, and you say they were both at the jail. What happened then, if anything? A. I talked to Sergeant Paige, amongst other officers and detectives that morning.

Q. I don't care about the converstaions with the officers. In connection with Culombe and Taborsky what happened? A. Sergeant Paige brought Culombe over to the barracks.

Q. And what about Taborsky? A. Taborsky remained at the county jail.

Q. All Wednesday? A. I am of the opinion all day and all night.

Q. And did you have a conference with Taborsky on Wednesday? A. With Taborsky?

Q. I am sorry, Culombe? A. I talked with Culombe about two-thirty. He was in a room with Detective Sergeant Paige and Detective Robert Murphy.

Q. And you entered the conversation, did you not, going on between Culombe and Sergeant Paige and Sergeant Murphy, is that right? A. Yes, sir.

Q. Does that cover the period as far as you remember, between the time that these men were brought to headquarters on Saturday, February 23rd, up until Wednesday afternoon, at the point where you entered the conversation with these men? A. As well as I can remember right now, Mr. Bill, yes.

MR. BILL: Your witness.

THE COURT: Mr. McDonough?

CROSS EXAMINATION BY MR. McDONOUGH:

Q. Has this concluded your investigation, Lieutenant?
A. No sir.

Q. You mean you haven't told us all of this New Britain case? A. No, sir.

MR. BILL: Your Honor, may I state that there are more things from here on in about Sergeant Paige's and his testimony that will have to be heard in the absence of the jury, as probably Mr. McDonough well knows. It would be improper for me to go any further than Wednesday.

MR. McDONOUGH: You mean, Mr. Bill, there may be a later offer? Later you will make another offer of evidence?

MR. BILL: Oh, yes, but from now on it will have to go before the judge.

MR. McDONOUGH: All right.

MR. BILL: So I came to Wednesday and stopped.

MR. McDONOUGH: If that is the way that you are proceeding, it is perfectly all right.

MR. BILL: He may not know. I had to tell you.

Q. Well, Lieutenant, you first saw these two men on Saturday afternoon when they were brought to headquarters under your instructions, is that right? A. Yes, sir.

Q. And who brought them to headquarters? A. I don't know who brought them. I know who was instructed to bring them.

Q. You didn't see them brought in? A. No, sir.

Q. But they were brought to headquarters?
A. They were.

Q. Were they brought to your office? A. Yes, sir.

Q. Where is your office in headquarters?
A. The third floor, headquarters' building.

Q. Where is Captain Schwartz's office? A. Across the hallway from mine.

Q. Captain Schwartz is the head of what is known as the Special Service Division of the State Police Department? A. He is.

Q. And you are the lieutenant under Captain Schwartz? A. Yes, sir.

Q. And your offices are on the same floor? A. Yes, sir.

Q. One across from the other on the hallway?
A. Yes, sir.

Q. Is that right? Now, were they brought to your office or to Captain Schwartz's office? A. My office.

Q. Was Captain Schwartz in at the time? A. I don't believe that he was.

Q. Where is the interrogation room that has been referred to? A. That is across the hall from Captain Schwartz's office and toward the front of the building from my office.

Q. On the same floor, off of the same hall? A. Yes, sir.

Q. Toward the front of the building? How far from your office is the interrogation office?

A. It joins it.

Q. Adjoining? A. Yes, sir.

Q. Is there a transom on the interrogation room?

A. No, sir.

Q. Is there a transom in your office? A. No, sir.

Q. Is there a transom in Captain Schwartz's office.

A. I don't believe that there is.

Q. Are there means of communication between the three offices other than telephones? A. Yes, sir.

Q. So that sounds in one room can be heard in another? A. Not necessarily.

Q. But if noise is made in one room, if that means of communication is turned on it can be heard in another room, a conversation, for instance?

A. If that means of communication is turned on, yes, sir.

Q. And, for example, if Culombe's wife was in one room and crying while undergoing an interrogation, and the system was turned on, if Culombe was in another room he would be in a position to hear it, wouldn't he?

A. Mr. McDonough—

Q. Answer the question, please.

MR. BILL: Objection, Your Honor.

THE COURT: I agree. You shouldn't caution the witness, Mr. McDonough. The only one who can instruct a witness is the Court. I agree he should be instructed, but I think that that is my job.

MR. McDONOUGH: Very well.

THE COURT: All you have to do, Lieutenant, is answer the question if you understand it, and, of course, if you don't understand it, say so. Will you answer the question?

THE WITNESS: Could he repeat the question?

THE COURT: I will have it read. Read it, Mr. Burke, please.

(Last question read by reporter.)

MR. BILL: Objection.

MR. McDONOUGH: Claim it, Your Honor.

THE COURT: What is the objection?

MR. BILL: An assumed set of facts.

MR. McDONOUGH: Cross-examination.

MR. BILL: And the facts are not a reality.

THE COURT: That may very well be but I will overrule the objection and allow it as proper cross-examination. Do you want it read again or are you familiar with it?

THE WITNESS: I beleive that I am familiar with it.

THE COURT: Answer it, if you can.

A. Yes, sir.

Q. Now, you said there were two sets of teams — "I delegated two teams." By that you mean two groups of officers? A. Yes, sir.

Q. To work on the investigation with you? What are the names of the officers that you delegated to work on the teams?

A. Sergeant Donald Paige and Officer Robert Riemer and another team was Officer Ferderick Moran and Officer Eugene Griffin.

Q. Officer Frederick Moran and Officer Eugene Griffin on one team, and Sergeant Paige and who else on the other?

A. Robert Riemer.

Q. Any other officers on those teams? A. Not on those teams.

Q. When was Culombe placed under arrest?

A. Oh, ten o'clock that night, Saturday night.

Q. Saturday night? A. Yes, sir.

Q. When was he taken into custody? A. He was invited to come to the barracks—I saw him at the barracks at 2:25, I think.

Q. At what time? A. 2:25.

Q. That is when he was taken into custody?

A. That is when he was invited to come to the barracks.

Q. I didn't ask you about an invitation. "Custody" is the word that I used.

MR. BILL: Objection, Your Honor. It is a legal term. I think that we are quibbling.

MR. McDONOUGH: I will withdraw the question. I won't quibble.

Q. Do you know what "custody" means? A. I believe I do.

Q. Did you take Culombe into custody? A. At ten o'clock that night.

Q. Before that he was not in custody? A. I would say no.

Q. He was free to come and go? A. He didn't test it.

Q. Never mind about testing it. Was he free as far as you were concerned? A. Yes.

Q. He could have walked out of State Police Headquarters and said "Don't bother me, I'll see you later"?
A. I would like to see him do it.

Q. You said "I'd like to see him do it?"
A. No, I don't know what would happen if he did it. He was not in custody.

Q. Did you say that, "I'd like to see him do it"?
A. I did.

Q. I think that answers the question. All right.
A. I mean, I don't know—

THE COURT: There is no question pending, Lieutenant.

THE WITNESS: Excuse me.

THE COURT: You have answered the question.

Q. You took him for a ride later on, by invitation?
A. No, sir.

Q. You didn't? The sergeant did?

THE COURT: Mr. McDonough, I don't know about the witness. I am having a little trouble hearing you.

MR. McDONOUGH: I'm slipping.

THE COURT: I wouldn't say that. I am just saying I am having trouble hearing you.

Q. Sergeant Paige took Culombe for a ride with Taborsky, didn't he? A. For investigation.

Q. Yes, but he took him for a ride, for whatever purpose? A. Yes, sir.

Q. He didn't take them to get the air and see the countryside, did he? A. No, sir.

Q. You were in charge of this investigation, weren't you, Lieutenant? A. I was.

Q. Do you know that on that ride they were wined and dined by your officers, men under your command?
A. No, sir, I do not. I heard it for the first time in the courtroom this morning.

Q. Is that the first time that you heard it, Lieutenant?
A. Yes, sir.

Q. They were brought for the purposes of identification to Coventry, weren't they? A. Ye. sir.

Q. And then they were brought for purposes of identification to Rocky Hill? A. Yes, sir.

Q. Culombe was not identified by anyone in Coventry, was he?

MR. BILL: Objection, Your Honor.

THE COURT: What is the purpose, Mr. McDouough?

MR. McDONOUGH: I will withdraw it.

THE COURT: Very well.

Q. They were brought back to the barracks at w iat time, Lieutneant?

A. I am of the opinion that it was around six o'clock.

Q. Were you at the barracks when they were brought back? A. Yes, sir.

Q. Had you had your dinner up to that time?
A. No, sir.

Q. When Culombe was brought in to State Police Headquarters had he been questioned by you up to six o'clock in the afternoon? A. Yes—

THE COURT: Do you want it read? Read it, Mr. Burke.

(Last question read by reporter.)

A. Before, yes.

Q. Before six? A. Yes, sir.

Q. When was the first time, Lieutenant, that Culombe was questioned by you? A. I don't remember.

Q. Well, was it before they went to Coventry?
A. It could have been.

Q. Before they accepted the invitation to go to Coventry, Culombe was questioned by you? A. It could have been.

Q. Well, was he or wasn't he? Never mind the could have.

A. I talked with Arthur Culombe before, so I am quite sure — on Saturday.

Q. It is important that you remember. Did you talk to him before you went to Coventry? A. I don't remember.

Q. But you do definitely know you talked to him after he returned from the ride? A. Yes, sir.

Q. Now, you said they went on this trip you designated Paige to be the commanding officer on? A. Yes.

Q. They were invited to go? A. They were asked.

Q. They were requested to go? A. That's right.

Q. Weren't they told to go? A. No, sir.

Q. You say Culombe agreed to go? A. Yes, sir.

Q. He had no choice in the matter, did he?
A. I feel he did.

Q. You think he did? A. I feel he did, yes, sir.

Q. Well, did he say no, he didn't want to go? A. No.

Q. He went along anyway? A. He did.

Q. Now, you know Culombe's background, don't you?
A. I learned about it after his arrest.

Q. You learned about it before you questioned him in the State Police headquarters, didn't you? A. What background do you have reference to, Mr. McDonough?

Q. Mental hospitals, Bridgewater, the Wrentham School? A. I learned about that after his arrest.

Q. Before you questioned him? A. I learned about his other background.

Q. But you didn't learn about his mental background before you questioned him? A. No, sir.

Q. You started questioning Culombe by assuming he was a mentally sound person? A. Yes, sir.

Q. But later on you found he had received treatment —let us put it that way. A. He told me he had been in an institution and it came as a surprsie to me.

Q. Culombe has done time—he is an ex-convict.
A. That is the part I knew about.

Q. That is how you happened to pick him up? A. Yes.

Q. And that appeared in his record, that he had been to the Wrentham School and Mental Hospital, and was confined in the Bridgewater State Hospital,—didn't you know that from your record? A. No, sir, it came as a surprise about this mental situation.

Q. When did it come as a surprise? A. Detective Matus was there and asked me to ask that question.

Q. Was that after Culombe was picked up that it came as a surprise? A. Yes, sir, he told me about it.

Q. That is the first time you knew it? A. Yes, sir.

Q. Didn't you show pictures of Culombe to anyone before you picked him up? A. Yes, sir.

Q. Where did you get those pictures? A. Our Identification Bureau.

Q. And what were those pictures of? A. Arthur Culombe.

Q. And where were they obtained—Connecticut State Prison, weren't they? A. I don't know. I got them from our Identification Bureau.

Q. And that Identification Buraeu got them from the Prison files, didn't they? A. We do our own photography too, Mr. McDonough. It could be.

Q. You mean you had Culombe in before? A. I don't know. I don't know where the pictures came from.

Q. You had his pictures in your files before he was picked up? A. Yes.

Q. So that you did know he had a record? A. Criminal background, yes.

Q. So that you were not surprised when Mr. Matus told you that? A. He didn't tell me.

Q. What did he tell you? A. He asked me to ask Mr. Culombe when I was doing some writing about his schools he attended. He mentioned Bridgewater and it was new to me, and Culombe told me what kind of a school it was, and that was the first time I knew about it.

Q. You don't have pictures in the State Police files that are school pictures, do you?

MR. BILL: I object to that. He is talking about his mental background.

THE COURT: I do think, Mr. McDonough, you and the witness are talking about two different things.

MR. McDONOUGH: I am talking about the Prison records.

THE COURT: I do think there is confusion on it.

Q. We will try to straighten it out. I am talking about the prior prison record Culombe had. Didn't you know before he was picked up he had a prison record?
A. Yes, sir.

Q. As a matter of fact, when you were checking these various incidents, you had his picture with you and you showed it to people, didn't you? A. I don't remember doing that.

Q. But you did know he had a prison record?
A. Criminal record, yes.

Q. Now, before you began to question him, Mr. Matus, attached to the County Detective's office, told you about his mental record, didn't he? A. No, sir.

Q. What did Mr. Matus tell you? A. We came to that part of his school . . .

Q. What schooling? A. Culombe's.

Q. What part? A. I asked some questions about Bridgewater.

Q. Do you know what Bridgewater is? A. Mr. Arthur Culombe told me.

Q. What did he tell you? A. A school for feeble minded people.

Q. A school for the insane. It is an insane institution, isn't it? A. I don't know.

Q. A Massachusetts State Hospital. A. I don't know that.

Q. Did he also tell you he was a year or more in the Wrentham State Mental Hospital? A. I don't remember that, Mr. McDonough.

Q. Did he tell you that? A. If he did, I don't recall it.

Q. Did he tell you he was in mental hospitals?
A. Yes.

Q. Did you check to find out? A. No, the State's Attorney's office checked it later.

Q. Well, it was checked anyway? A. I am sure it was.

Q. As a matter of fact, haven't you used the expression in talking about Culombe that he is a nut and got out of a mental hospital? A. No, sir.

Q. Haven't you referred to Culombe as a nut?
A. No, sir.

Q. Don't you think he is? A. No, sir.

MR. BILL: I object to that.

THE COURT: Well, I will sustain the objection and the answer may go out.

Q. You had it in mind when questioning him there was something wrong with him, didn't you? A. I thought he was a very cunning individual.

MR. BILL: May I have that answer?

(The Reporter read the answer).

Q. You thought he was a very cunning individual, and you still do, don't you? A. I do.

Q. And he might be a cunning individual, that's true, isn't it? A. He might be.

Q. But you do know he is a person who has been treated for mental incompetency and who has escaped from a mental hospital? A. I have been told.

Q. You have been told through official sources?
A. No, sir.

Q. Have you checked the mental hospitals in Massachusetts? A. Through the State's Attorney's office, yes.

Q. As a matter of fact, you followed my trail through them, didn't you? A. Did I? No, sir.

Q. Your men did? A. Not your trail. The men went to Massachusetts.

Q. Right behind me. Well, you did check the mental hospitals in Massachusetts where Culombe had been and where he had escaped from, or your men went?

MR. BILL: I object to that. He didn't know whether he escaped.

THE COURT: I will sustain the objection. It contains facts that are not in evidence.

Q. Having in mind what Mr. Matus of the State's Attorney's office told you, and having in mind anything else that came to you when you were questioning Culombe, you knew you were dealing with a mental patient — cunning, as you say — but still a mental patient? A. No, sir.

Q. Well, from the information you received, didn't you know that? A. I never received that information as a result of this check directly. It went to the State's Attorney's office. I received the request for the check and the officers who made the check reported to Detective Eddie Matus, I believe.

Q. After you found out—after you received the information about his mental condition, did you remark to anyone about his mental condition—did you talk to anyone about Culombe's mental condition?

MR. BILL: Objection unless he specifies to whom he talked and lay a background.

MR. McDONOUGH: I will withdraw the question.

Q. Did you in your conversation with anyone or did you give out a statement saying that Culombe had a psychopathic personality? A. No, I did not.

Q. Do you know what I am referring to when I ask that question? A. I do.

Q. You didn't give out such a statement? A. I did not.

Q. How many hours did you question Culombe?
A. What day?

Q. Total. A. I wouldn't know.

Q. It is so many? A. No.

Q. Well, if it isn't so many, how many? A. I don't know. I couldn't tell you truthfully.

Q. If it is only two or three or four or five hours, you should remember. A. It was over no long periods of time. He received, I assure you, more sleep than I did or the investigators.

Q. You slept when you wanted to? A. So did he.

Q. Did he? A. Yes, sir.

Q. Well, Saturday night what time did he retire? A. He was brought to his cell before midnight.

THE COURT: I don't know as I understand it. May I have the question and answer?

(The Reporter read the question and answer.)

Q. What time did he go to bed Saturday night? A. I assume it was when he was brought to his cell.

Q. I know and appreciate that you worked hard, but so did Culombe work hard, didn't he? A. If you call lying—

Q. Well, whatever you call it, lying or telling the truth —he worked hard? A. I don't know that he worked as hard as I did.

Q. I will go along with you, but you worked him pretty hard, didn't you? A. I didn't work him pretty hard.

Q. What did you do to him? A. Talked with him.

Q. Well, all right, how many hours did you talk to him? A. What day?

Q. Monday. A. The day he was booked?

Q. Yes. A. Probably a total of two or three hours at the most.

Q. We will start off with the hours. It is important to this man. Hours are in the balance for him right now.

You started talking to him at six o'clock Saturday night, didn't you? A. Yes, sir.

Q. How many hours did you talk to him Saturday night?

A. Probably not more than a total of two hours.

Q. What time did you stop talking to him?

A. When he was returned or when he was sent to the jail block-cell block.

Q. Did you talk to him two hours straight through Saturday night? A. No.

Q. You mean you broke it up? A. Well, I would ask him a question and would go over and ask Joe Taborsky a question. I was hopping around that way. There was no sitting down for any long period of time.

Q. And when you were not asking him questions Sergeant Paige was asking him questions, wasn't he?

A. Not necessarily.

Q. Or some of the other officers? A. No, there were no teams working on him.

Q. There were no teams working on him?

A. No, sir.

Q. Wasn't he worked over? A. No, sir.

Q. Wasn't he worked over pretty well before the matter was entirely finished during the investigation?

A. What do you mean by worked over?

Q. All tired out, exhausted, not shaved, not clean, loss of sleep? A. No, sir.

Q. You know what the expression "sorry sight" means. Wasn't he, when you got all through your investigation, the State Police investigation, a sorry sight? A. Yes, sir. May I qualify that?

THE COURT: No, you have answered the question.

Q. Where I was pressing on this question of where you got the permission from the Court when he wasn't represented by a lawyer yet, and he gave in and went on a trip,—he was a sorry sight, wasn't he? A. What trip do you refer to?

Q. I call it the Cook's Tour—you know what a Cook's Tour is.

MR. BILL: I object.

Q. All around Hartford County, after they left Judge Bordon's court. A. He was under a strain from something he had done himself.

Q. Well he was under a strain, was he? A. Yes.

Q. Didn't one of these men say he wanted a chance to wash up and clean up? Didn't one of the men ask the presiding judge that? A. Yes.

Q. He wanted to wash up and clean up? A. He didn't ask me.

Q. It was asked of the presiding judge? A. Yes, and it was granted.

Q. In your presence? A. Yes.

Q. And what day of the week was that? A. That was Thursday, February 28.

Q. And from the preceding Saturday, when they were taken into custody, up until the following Thursday when they appeared in this courtroom, they hadn't been allowed to wash and clean up, and were given permission by the trial judge? A. No, sir.

Q. They were washed and cleaned up before that? A. And before that.

Q. Well, if you only questioned Culombe on Saturday night for two hours and he was brought back to the barracks after the trip at six o'clock, what was he doing between six o'clock and midnight when he was brought to his cell downstairs and went to bed? A. Maybe talking to Sergeant Paige and hanging around and smoking.

Q. He was talking more than two hours, wasn't he? A. I told you I talked to him for two hours.

Q. Did Sergeant Paige spend the other four hours with him questioning him? A. I don't know what they were doing.

Q. They were doing something? A. They were together.

Q. Now, Sunday morning, what time did you first talk to Culombe? A. I don't know.

Q. Now, you made the remark that Culombe is cunning? A. Yes, sir.

Q. I think you have made that remark before to two other people—you have referred to him as cunning? A. He has native cunningness, yes.

Q. And you referred to him as having a remarkable memory? A. I don't recall that Mr. McDonough.

Q. You have found that he has a remarkable memory, haven't you? A. Better than Taborsky's.

Q. I am not talking about Taborsky. A. I have no basis for comparison.

Q. That is one standard - your standard - for measuring memory. Hasn't Culombe a remarkable memory? A. No, sir.

Q. You mean he can't remember - - -

MR. BILL: Objection, Your Honor.

THE COURT: I will sustain the objection.

Q. Culombe can't read or write, can he? A. So he says.

Q. You know that he can't? A. I don't know.

Q. You have checked everything in the course of your investigation. Let us be fair. You know he can't read or write? A. I don't know. He has told me he can't.

Q. Have you ever seen him read anything?
A. No, sir.

Q. Are you sure that he can put his shoes on alone without assistance - on the right foot? Do you know that?
A. I believe he can.

Q. You believe he can. Did you ever see him try to put his shoes on? A. No, sir.

Q. Have you had a report from the hospital about him in your files? A. There may be one, I don't know.

Q. Did Culombe do any crying while being questioned by you? A. No, sir.

Q. Did anyone do any crying while being questioned by you in connection with Culombe? A. No, sir.

Q. How many hours did you talk to Culombe on Sunday? A. I don't know.

Q. Well we would like to know. If you don't know how many hours, how are we to know?

MR. BILL: Objection.

Q. Withdrawn. You know don't you? A. No, sir.

Q. Did you make a record of these discussions with him? A. I just make certain they are treated properly.

Q. And that is your only concern? A. Yes.

Q. And you are the judge of what is proper treatment? A. Yes, sir.

Q. Was he treated properly? A. Yes, sir.

Q. What did you talk to him about Sunday?
A. The New Britain murders.

Q. When did you talk to him about it Sunday?
A. I don't know.

Q. Or is it you don't remember? There is a difference between not knowing and not remembering? A. I don't know.

Q. You don't know. Did he say anything to you about the New Britain murders? A. Yes, sir.

Q. Did you ask him about the New Britain murders?
A. Yes.

Q. If he told you on Sunday he committed a murder in New Britain, would you have remembered it?

MR. BILL: I object, Your Honor.

THE COURT: Will you read it, Mr. MacGlashan?

(The Reporter read the question)

THE COURT: I will sustain the objection.

MR. McDONOUGH: May I have an exception?

THE COURT: Certainly.

Q. How is it you don't remember the Sunday conversation? A. It was insignificant.

Q. It wasn't significant. It was about the lives of two men that had been taken, and it wasn't significant?
A. Well, my conversation with Culombe was insignificant—something I had no reason—the answers to my questions I would have no reason to remember.

Q. You have no reason to remember because they were denials, is that the reason you don't remember?

A. He did deny them.

Q. Therefore, you have no cause to remember them?

A. I would have none.

THE COURT: Mr. McDonough, you won't have anything in the record here if you don't let him finish before starting your next question.

MR. McDONOUGH: I am sorry.

Q. If he had admitted something, that he had shot someone in New Britain, it would have been significant to you to remember, wouldn't it? A. Yes, sir.

Q. But he didn't do that? A. No, and I felt he was lying.

Q. You mean his statements were not satisfactory to you and you did not remember those? A. No, sir.

Q. You only remember the parts containing admissions of guilt? A. No, sir.

Q. Well, then, try and remember, if it is so, did he deny the shootings in New Britain? A. He did.

Q. And when did he deny the shootings?

A. Saturday, Sunday, Monday and Tuesday.

Q. Then you do remember something about Sunday?

A. Yes.

Q. He denied on Sunday that he shot anyone in New Britain? A. Yes, sir.

Q. And on Sunday he denied he had anything to do with the New Britain murders? A. Yes, sir.

Q. And he kept up those denials for how long?

A. With the exception of the slip on Tuesday in the presence of his wife, he kept it up until Wednesday afternoon.

Q. But Sunday he kept it up all day?
A. He wasn't questioned all day Sunday.

Q. I thought you told us a moment ago that on Sunday he denied having anything to do with the New Britain shooting? A. He didn't deny it all day.

Q. But he was questioned on Sunday about the New Britain killing? A. Yes.

Q. And he denied it on Sunday? A. Yes.

Q. And you remember his Sunday denials?
A. Yes.

Q. Let us go to Monday. Was he questioned on Monday about the New Britain murders? A. Yes, sir.

Q. What did he say about the New Britain murders?
A. He denied any knowledge or participation.

Q. Saturday he was questioned, Sunday he was questioned, Monday he was questioned, and he has been denying it all through that time? A. Yes, sir.

Q. Has he been arraigned or presented before any court up to Monday night, even though he has been in custody since Saturday afternoon? A. No.

THE COURT: Let us stop there, Mr. McDonough. Escort the accused from the courtroom.

The alternates may return to their room and the jury to their room.

Short recess, Sheriff.

(Recess at 3:30 P.M.)

JUNE 6th, 1957. 3:50 P.M.

(Accused present.)

THE COURT: May I have the alternates, Sheriff, and the jury?

(Jury and alternates present.)

THE COURT: Before we start, ladies and gentlemen of the jury, I know that due to the manner of the choosing of the jury, very few, if any, of you have had any previous jury experience, and most of the judges, including myself, try very seriously to let the jury go on Friday afternoon as close to four o'clock as we can. I usually like to say that that is more for the benefit of the ladies than the men, but due to the development of American life I think it is as much for the benefit of the men as the ladies. I tell you that now so you can plan on it. I will try to get you out of here at least by four o'clock tomorrow afternoon. Not permanently but just for tomorrow. You may proceed.

SAMUEL ROME, on the witness stand; CROSS EXAMINATION BY MR. McDONOUGH: (RESUMED)

MR. McDONOUGH: May the last question be read, Your Honor?

THE COURT: Will you read it please, Mr. Burke?

(Last question and answer read by reporter.)

Q. He hadn't seen a lawyer, either, had he? Culombe hadn't? A. Until what time?

Q. Up until Monday night Culombe hadn't seen a lawyer, had he? A. No, sir.

Q. He had asked to see a lawyer, hadn't he?
A. Yes, sir.

Q. Didn't you tell him that he could see a lawyer

when you got good and ready to let him see him?
A. No, sir.

Q. Well, when he asked to see a lawyer did he see a lawyer? A. No, sir.

Q. Did you allow him to go to a telephone to call a lawyer? A. There was a telephone right there. He didn't have the name of an attorney to call.

Q. Well, there are a large number of Hartford lawyers' names in the Hartford telephone directory?
A. Yes, sir.

Q. Did you offer him the use of the directory to find out the name of a lawyer to call?
A. We were told that he couldn't read.

Q. Oh, you were told that he couldn't read?
A. Yes, sir.

Q. Who told you that? A. He did.

Q. Well, then, before I asked the question here in the courtroom, you had information that he couldn't read?
A. After I talked with him.

Q. So, therefore, a telephone directory would have been of no use to him? That is what you mean by that answer? A. If what he told me was the truth, yes, sir.

Q. Did you tell him that he could have gotten in touch with Mr. Cosgrove, the Public Defender for this court?
A. I make it my business never to mention any attorneys. It is up to them to mention their attorney.

Q. This man was in the hands of the police on a serious investigation. He said that he wanted a lawyer and you did nothing to help him? A. I told him he could have a lawyer if he told me who he wanted me to call.

Q. Did you tell him that? A. Yes, sir.

Q. Didn't Culombe tell you on Monday night, "If that is the way you operate up here I want to get in touch with a lawyer," and you replied, "We will let you get in touch with one at the right time, not until then."

A. No, sir.

Q. But there was talk about a lawyer? A. Yes, sir.

Q. And Culombe did not get in touch with a lawyer until he asked in this courtroom and the Court appointed a lawyer, that is correct, isn't it? A. That is correct.

Q. Now when was it that Sergeant Paige brought the guns from Culombe's house to State Police Headquarters, what day? A. Saturday, I think.

Q. Everything went fine with Culombe up until a certain point—that is, as far as arguments between yourself and Culombe were concerned, isn't that so?

A. Will you please explain "arguments"?

Q. I will reframe the question, Lieutenant. During the period of between Saturday afternoon and Wednesday there was a time when trouble began to occur between you and Culombe, isn't that so, arguments between you and Culombe? A. No, sir.

Q. Did you call him a God dam liar? A. I may have called him a liar, but I didn't call him a God dam liar.

Q. What did you call him a liar for? A. I felt that he was lying.

Q. So you called him a liar? A. I may have called him a liar.

Q. What causes you to believe that you may have called him a liar? A. It was apparent and obvious to me that he was lying.

Q. And you let him know that it was obvious to you?

A. I wanted to let him know that he wasn't fooling me.

Q. When the guns were being checked, they were checked in a small room, they were placed on a table, weren't they? A. Yes, sir.

Q. Who placed them there? What officer?
A. I am of the opinion that it was Sergeant Paige.

Q. Did you say to him—that is Culombe—when the guns were placed on the table, "What have you such a small arsenal as this for?" A. I don't remember those words, but I may have—

Q. You referred to them as an arsenal and you asked him what he had them for? A. That would be my termilogy, yes, sir.

Q. And did he reply "It is just a collection"?
A. Yes, sir.

Q. And did you say to him, "Would you want to get these back"? A. I may have.

Q. Did he reply to you "I'd love to get them back again after you check them out"?
A. That sounds like normal conversation, yes, sir.

Q. And did you say "Try and get them back if you can"? A. No sir.

Q. But up to that point, that is, to what I asked you, not what you said, the conversation is substantially correct, isn't it? A. I believe so, Mr. McDonough.

Q. About the bandanna handkerchiefs, you asked him about those, didn't you, Lieutenant? A. Yes, sir.

Q. Or Sergeant Paige did in the barracks? A. I also asked him about them.

Q. Did you ask him why they were folded up?
A. Yes. sir.

Q. And made a knot so they could hang in back of the neck? Did you ask him about that, why they were knotted?
A. They weren't knotted.

Q. You asked him about the shape that they were in?
A. Yes, sir.

Q. And did he tell you that he had them that way because he used them when hunting to wipe the barrel of his shotgun off? A. No, sir.

Q. Did he refer to the shotgun that he used for hunting? A. No, sir.

Q. Did you ask Culombe if he used any of those bandannas on a hold-up in Glastonbury? A. Yes, sir.

Q. And did he reply no, that he hadn't been up that way? A. Yes, sir.

Q. Did you call the Glastonbury police to have someone come down to identify Culombe? A. Yes, sir.

Q. And did someone come down? A. Yes, sir.

Q. Did they identify Culombe? A. No, sir.

Q. Did you make this remark, "Well, they're putting me in charge of this investigation and I'm not going to step on anybody. This job doesn't mean that much to me." Do you recall making that remark? A. It sounds like something I might make.

Q. Did you make that remark to the Glastonbury police, to the Chief of Police? A. I don't recall.

Q. When the witness from Glastonbury could not identify Culombe didn't Culombe also deny having anything to do with that incident? A. Yes, sir.

Q. And didn't you say to Culombe "You had better tell the truth about this whole thing. If you don't we will knock it out of you?" A. No, sir.

Q. Didn't you say "We will take you downstairs on the stretcher and will bring you to the Captain's chair in the boiler room and we will work you over"? A. No, sir.

Q. "And you will tell us the truth by the time that we get done with you"? A. No, sir.

Q. Well, by the time that you did finish with Culombe his denials had ceased, hadn't they? A. Yes, sir.

Q. And you did get done with him too, after a while? A. I don't know what you mean by "done".

Q. You got through questioning him. You finished your questioning of him after a while? A. He finally told the truth.

Q. Yes, he gave you what you considered significant, but up until that time you worked on him?

MR. BILL: Objection, Your Honor.

THE COURT: Read the question, Mr. Burke.

(Last question read by reporter.)

MR. BILL: I object to the word "work".

Q. Do you claim it, Mr. McDonough?

MR. McDONOUGH: Yes, Your Honor.

THE COURT: I will sustain the objection.

MR. McDONOUGH: Exception please?

THE COURT: Certainly.

Q. You kept after him, to use very conservative words? A. Yes, sir.

Q. Until you received the answers that you wanted? That's right, isn't it? A. No, sir. Until we received the answers which we proved were correct.

Q. The answers that you wanted were admissions of guilt? You wanted those answers?

A. No, sir, not if he were not guilty.

Q. You were bound and detetmined, weren't you, Lieutenant, to get such answers?

A. No, sir. Not if he were guilty. We wanted answers that we could prove were correct.

Q. You would still be questioning him if you hadn't got those answers, wouldn't you?

MR. BILL: Objection.

THE COURT: Sustained.

MR. McDONOUGH: Exception.

THE COURT: Certainly.

Q. What is the Captain's chair? A. I don't know.

Q. Where is the boiler room? A. It is in the — what we call the lower garage, the east end.

Q. Why did you refer to the boiler room when talking to Culombe? A. I never did.

Q. What did you say to Culombe in the way of inducing him to give him what you considered truthful answers? A. Will you explain that question? I don't understand it.

Q. You know what the word "inducing" means?

A. I do.

Q. Did you say anything to induce him to give you answers that you considered truthful? A. When?

Q. During the course of your questioning of Culombe?

A. No. He lied for several days.

Q. But he finally told you what you considered the

truth? A. He first started to tell what I considered the truth to Sergeant Paige and Detective Robert Murphy.

Q. Before several days were up, Lieutenant, you had found out that you were dealing with a mental incompetent, hadn't you? A. Oh, no.

Q. You had found that out, hadn't you, by that time? A. No, sir, not until he told me, and he didn't tell me until he started to tell the truth.

Q. You certainly found out that he told the truth about that, didn't you? A. I am told—

Q. By reliable sources, reliable to you? A. Yes, sir.

Q. Now, what was the condition of Culombe himself at the time that you began to interrogate him? A. I do not know.

Q. Didn't you inquire? A. I had no cause to inquire.

Q. What time was he awakened in the morning on any of those four or five days to resume the questioning? A. Eight or nine o'clock, for breakfast.

Q. There were guards posted in front of his cell all night, weren't there? A. No, sir, not all the time.

Q. Well, considerable of the time? A great part of the time guards were there? A. After he started to tell the truth.

Q. But not before? A. No, sir.

Q. Now, you say the truth. The truth as you saw it, is what you mean? A. No, sir, the confession.

Q. The confession? And, of course, you didn't threaten him at any time? A. No, sir.

Q. Everything was all sugar and honey between you and him? A. Yes, sir.

Q. Do you call calling him a liar sugar and honey?
A. Those are your words, Mr. McDonough.

Q. No, you said that you called him a liar? A. I did call him a liar, but the sugar and honey are your words.

Q. What? A. The sugar and honey are your words.

Q. Oh, I know they are. There was no sugar and honey to be truthful about this conversation?

A. I couldn't use sugar and honey, not to Arthur Culombe.

Q. It was pretty rough going, wasn't it? A. No, sir.

Q. You called him a liar. That is rather rough to call a man, isn't it? A. I wouldn't call it rough.

Q. You wouldn't call it rough? A. No, sir.

Q. When you question men in police headquarters and they don't give you the answers that you think should be given, do you call them a liar? A. I have on occasions.

Q. Is that customary for you? A. If I have proof and I know they are telling a lie.

Q. If you have the proof why don't you use the proof? Why call a man a liar?

MR. BILL: Objection, Your Honor.

THE COURT: Sustained.

Q. You could prove he is a liar, couldn't you?

MR. BILL: Objection. He is not talking about this man.

MR. McDONOUGH: I am talking about Columbe.

Q. If you could prove he is a liar why go to the extent of calling him a liar? What good would that do?

A. It is one of the ways that I find valuable in helping to prove he is a liar.

Q. One of the effective ways of making a man break to your will? A. No, sir, he didn't break to my will.

Q. Supposing Culombe didn't like being called a liar and struck you in the face? Don't you think that he would be justified?

MR. BILL: Objection.

THE COURT: Sustained.

Q. He wasn't in a position to do that, was he?

MR. BILL: Objection.

THE COURT: Sustained.

Q. When you called Culombe a liar you were in what is called the driver's seat, you were in power over him, weren't you? A. I don't know that I called him a liar. I may have.

Q. You said you did. A. I may have.

Q. Why do you say that you may have? A. I knew that he was not telling the truth. I don't remember any specific time when I called him a liar. I can't recall, Mr. McDonough.

Q. If Culombe said that you called him a liar and a G. D. liar will you deny it? A. Yes, sir.

Q. But you won't deny calling him a liar, will you? A. No, sir.

Q. Don't you swear? A. Oh, yes.

MR. BILL: Objection.

MR. McDONOUGH: Claim it.

MR. BILL: I will withdraw it.

THE COURT: He answered the question. Go ahead.

Q. You swore at Culombe, didn't you? A. I said that I didn't.

Q. You swore at Culombe, too, didn't you? A. No, sir.

Q. Did you swear while you were talking to Culombe? A. I doubt if I did, Mr. McDonough.

Q. Kept your temper? A. I am pretty even tempered, I believe.

Q. Retained your patience? A. Not all of the time.

Q. You were pretty well worn weren't you? A. A little tired.

Q. And you were pretty well relieved when the investigation was over, weren't you? A. Yes, sir.

Q. And so was Culombe, wasn't he? A. He said he was.

Q. He could rest then? A. As he did before.

Q. He used the expression he lived like a King when the investigation was over? A. The same as he did before.

Q. Did you threaten Culombe to charge anyone else connected with him with conspiracy if he didn't make admissions to you? A. No, sir.

Q. Did you discuss conspiracy charges with anyone? A. When?

Q. During the course of the investigation? A. The entire investigation?

Q. Yes. A. Oh, I may have, yes.

Q. Did you discuss conspiracy charges? A. I may have afterward. The investigation was from December 18th to February —

Q. From the time Culombe was taken into custody on February 23rd, during the rest of the week did you discuss conspiracy charges with anyone? A. Perhaps we did with the prosecutor.

Q. Other than with the prosecutor, did you discuss conspiracy charges with Culombe? A. I don't recall.

Q. Did you discuss them with his wife? A. No.

Q. Did you discuss conspiracy charges with anyone in the presence of Mrs. Culombe? A. Conspiracy charges against whom—what kind of case?

Q. Against Mrs. Culombe — conspiracy to commit murder? A. No, sir.

Q. Didn't you tell Mrs. Culombe she could be charged with conspiracy unless she got Culombe to sign a confession. A. No, sir.

Q. What was the purpose of questioning Mrs. Culombe? A. My investigators informed me that she had entertained — or Taborsky had stayed over at her house that night.

Q. Did you inform Mrs. Culombe you had that information? A. Yes.

Q. Did you tell Mrs. Culombe she could be charged with a crime for allowing Taborsky to stay with her husband? A. Not if she were not implicated.

Q. But did you tell her she could be implicated?
A. I don't remember ever telling her, no, sir.

Q. Well, you aren't sure, are you? A. I am sure I

never told Mrs. Culombe I would charge her with conspiracy.

Q. You appear to hesitate, Lieutenant. What did you tell her? A. I did a lot of talking to her. I went there to find out what information she had relative to my investigation.

Q. What did you tell Mrs. Culombe could be done to her? A. Nothing.

Q. You told her she could be arrested? A. I may have said that if she was implicated in these killings she could be charged the same as the others.

Q. You had no information she was implicated in the killings, had you? A. She said she was suspicious of her husband and Taborsky being involved in these killings.

Q. But you had no evidence and you didn't claim to her she was involved in the killings — she herself — did you? A. I had no evidence she was, but she told me—

Q. That she was suspicious? A. Yes, sir, and that she had informed her husband—

Q. Well, now—

THE COURT: Let him finish.

THE WITNESS: And that she informed her husband and actually accused him long before we picked him up.

Q. And then you didn't lead her to believe she could be arrested because she was suspicious and allowed Taborsky to come to the house? A. No, she wasn't connected with any crime.

Q. As a matter of fact, didn't you have that woman terrified with the thought that she was going to be dragged into this?

A. She was not terrified when she came voluntarily to the Police Station with a Policewoman and accused Taborsky and her husband.

Q. We have heard a lot about trips to the Police Station being made voluntarily. Do you want us to believe that Mrs. Culombe came to Police Headquarters voluntarily and entered a room alone with you and subjected herself to questioning?

A. Yes, sir, I think she was as curious and anxious to know the truth concerning Joseph Taborsky and her husband's doings as we were.

Q. Do you want this jury to believe that she didn't come to headquarters—or came because she wasn't carried there? A. Yes, I certainly do.

Q. What was her means of transportation, Connecticut Company bus? A. No,—

Q. Yellow cab? A. No, sir.

Q. Walking? A. No.

Q. It was State Police transportation in custody, wasn't it? A. Not in custody, but State Police transportation I believe it was.

Q. It was State Police Transportation, and then she was brought by a State Policewoman to a room and placed in that room with you, wasn't she? A. She was brought to the State Police barracks so I could talk to her before she talked to her husband.

Q. That wasn't the question. May it be read?

THE COURT: Read the question, Mr. MacGlashan.

(The reporter read the question.)

THE WITNESS: Yes, sir.

Q. And you said just a moment ago she was brought to the State Police headquarters so you could question her — you said that a moment ago? A. I did.

Q. So what is voluntary about that — she was brought — "So I could question her". That is not voluntary duty, is it? A. You could also say she was transported — she was transported from her home for her convenience to the State Police barracks.

Q. That's very nice. But she was brought by a State Police Officer to State Police Headquarters so you could question her. That is your sworn testimony, isn't it?
A. Yes, sir.

Q. And you call that a voluntary trip to headquarters out of curiosity? A. Yes, sir.

MR. BILL: Is that a question?

Q. Yes, it is. And is that what you call a voluntary trip to headquarters? A. It was a voluntary trip to headquarters by Mrs. Culombe, Mr. McDonough.

Q. And this lady that volunteered because she was curious how close to the room where Culombe was being questioned by Sergeant Paige was the room where you were questioning Mrs. Culombe? A. You are using the word "questioning" too loosely. I had talked to her at her home before she came to the barracks.

Q. She was brought? A. She was transported to the barracks willingly. She wanted to talk to her husband herself.

Q. That doesn't answer the question.

MR. McDONOUGH: May the answer go out and may I have the question read?

THE COURT: All the comment may go out and the question may be read, Mr. MacGlashan.

(The reporter read the last question.)

A. I don't know—I don't believe it was on the same floor. Mrs. Culombe was in a room across the hall from our dining room and I think she was having some coffee.

Q. Well, I want definite answers. If you don't know, say so. A. I don't know.

Q. The interrogation room is on the floor where your office is?

A. Every room in the barracks is an interrogation room. The interrogation room we make reference to is on the third floor of the headquarters building.

Q. That is where your office is? A. Yes.

Q. And Captain Schwartz's office? A. Yes.

Q. And the same corridor is opened onto by all these rooms? A. I don't know what you mean by all these rooms.

Q. Captain Schwartz's room, your room and what we call the interrogation room — they open onto the same corridor? A. Yes.

Q. How far from your office is the interrogation room?
A. It is next door.

Q. It is adjoining, and there is a communciation system that is turned on, that can be turned on, so that conversation can be heard from one room to another, isn't that so?
A. Yes, sir.

Q. So if Mrs. Culombe was in the interrogation room being questioned by you and her husband was in Sergeant Paige's office and Mrs. Culombe was crying and the system was on, say deliberately, it could be heard by Culombe?

MR. BILL: Objection, Your Honor.

THE COURT: Well, I don't know that you have established where Sergeant Paige's office is.

MR. McDONOUGH: Sergeant Paige testified they were adjoining.

THE COURT: I will allow the question, but I am not too clear.

MR. McDONOUGH: I will clear it up.

MR. BILL: I think that making the statement she was crying isn't in here.

THE COURT: The question was substantially the same as allowed earlier and was answered.

Q. Where is Sergeant Paige's office with relation to the interrogation room? A. His office and my office adjoin the interrogation room.

Q. And there is a communication system between the office, and if it is turned on, sounds can be heard from one room to another? A. Yes, sir.

Q. Now, what day was Mrs. Culombe first brought to State Police Headquarters by Mrs. Mercer, the State Policewoman? A. I believe it was Tuesday.

Q. What time? A. In the evening.

Q. In the evening? A. Yes, sir.

Q. Sergeant Paige testified he didn't think it was in the evening. Are you sure? A. That is his testimony.

Q. It was evening? A. I am of the opinion it was evening.

Q. And what time? A. I don't know. I went to Culombe's home in the afternoon and she was brought after that to the barracks.

Q. And she was brought to the room to be questioned by you? A. She wasn't brought to the headquarters to be questioned by me—she was transported to a room to wait until we could get Culombe into a position so that she could talk to him. I don't know which room it was.

Q. Lieutenant Rome, you said she was brought to State Police Headquarters to be questioned by you. Do you wish to change that testimony?

MR. BILL: I object to that. It isn't the statement.

THE COURT: My recollection is the same as Mr. McDonough's that the witness did make it. With reference to recollection, I will tell you later in the charge that it doesn't make any difference what our recollections are of the evidence; it is your own recollection that governs, and I am going to allow the question.

(The reporter read the question.)

THE WITNESS: No, sir.

Q. And you questioned her? A. I talked with her.

Q. You questioned her? A. Questioned—the word question isn't proper here. I talked to her.

Q. You questioned her, didn't you?

THE COURT: I don't think that is the answer to the question. I don't think you have any right to make it. I think if the witness is giving an interpretation to the words "questioned" and "talk" that isn't the usual interpretation, you should make it clear, because you are saying "questioned", when he is saying he talked to her. If there is a distinction, I think he should be able to say what he meant, since he has already said that she was brought there or transported there to be talked to or questioned by him. That is what he said. He also said other things.

Now, what do you mean when you said she was transported to the police station to be questioned by you? What did you mean when you said that?

THE WITNESS: I had talked with Mrs. Culombe at her home, and there I questioned her and she volunteered—

THE COURT: Never mind that. When she came to the barracks why did she come?

THE WITNESS: She came to talk to her husband and question him herself about these incidents.

THE COURT: Now go ahead.

Q. She didn't come to be questiond by you?
A. I questioned her at her home, and I was satisfied.

Q. I am not asking you about that. Didn't she come to be questioned by you? A. No.

Q. How is it—Just a few minutes ago you said she did. Did she come to headquarters to be questioned by you? A. No.

Q. You so testified. Do you want to change that?

MR. BILL: I object.

THE COURT: I am going to sustain the objection in order to terminate it.

MR. McDONOUGH: I go along with Your Honor.

Q. How long did you talk with her at headquarters?
A. Probably ten minutes in all.

Q. What did you talk to her about? A. I asked her what she—had her repeat that which she had told me about her suspicions concerning her husband earlier, and asked if she would go along and lay the cards on the table to her husband and see if he wouldn't confess.

Q. And why did you do that? A. Well, it is another way of getting a confession.

Q. What are your other ways besides that?
A. Show them the logic and reasoning of it.

Q. How would you show them the logic of it—how?
A. Show them whatever evidence we might have. We might have a gun.

Q. Suppose you haven't any evidence—how?

MR. BILL: Objection.

THE COURT: Sustained.

MR. McDONOUGH: He is talking about other things.

THE COURT: I know it, and I sustained the objection.

Q. What are the ways of getting a confession? Tell us all of them. A. I couldn't mention them, there are too many.

Q. You know what they are.

MR. BILL: Objection.

THE COURT: Sustained.

MR. McDONOUGH: Claim an exception.

THE COURT: Yes.

Q. What ways do you have of getting a confession?

MR. BILL: Objection.

THE COURT: Sustained.

Q. You use force, don't you? A. I do not.

MR. BILL: I object.

THE COURT: Sustained.

Q. Were you there when Culombe was asked the question why didn't he settle for a smaller rap? A. No, sir.

Q. Are you sure you were not there? A. That question was never asked Culombe in my presence.

Q. Was it suggested that he might settle for something with a lesser penalty? A. No, sir, that would never be asked, because I instruct the men to stay away from anything like that and that we cannot make deals.

Q. I know you can't, but you do try to make deals, don't you, and you tried to make a deal with Culombe here, didn't you? A. No, sir.

Q. You kept him at State Police Headquarters for quite a while? A. What day?

Q. When did you let him out of Headquarters and send him to jail? A. Tuesday.

Q. You kept him at State Police Headquarters sometime after that, didn't you? A. Yes, sir.

Q. Almost a week? A. Yes, sir.

Q. Then he was removed to the jail, wasn't he?
A. Well, I didn't give much thought to "almost a week".

Q. You gave thought to it when this Court appointed a lawyer who insisted that he be transported to the jail?
A. When you told me you wanted Arthur Culombe removed from the State Police Barracks and taken to the jail, your wish was complied with immediately.

Q. That was on a Sunday afternoon? A. Yes, sir.

Q. Up to that time he had been a guest of you gentlemen across the street? A. Yes, sir.

Q. He was happy over there toward the end?
A. He indicated his willingness throughout, and in

this courtroom again before Judge Bordon, his willingness to stay there.

Q. Up until the time he had a lawyer, he hadn't any opportunity to do anything else? A. Right in this courtroom he had an opportunity, yes.

Q. He didn't have a lawyer at that time?
A. He could have made known his wish at that time.

Q. When was he first presented in court?
A. He was presented in New Britain court on a Tuesday.

Q. Tuesday morning? A. Yes, sir.

Q. He was taken from Hartford on Monday afternoon to New Britain police headquarters, wasn't he?
A. Yes, sir.

Q. And he was booked at headquarters for breach of the peace? A. Yes, sir.

Q. And Tuesday morning he was presented in the New Britain Police Court? A. Yes, sir.

Q. And when he was led into the New Britain Police Court—in police court there is a caged affair over in the corner of the courtroom like a thin wire cage? A. Yes.

Q. And he and Taborsky were held in that cage that morning? A. Yes, sir.

Q. And they were surrounded by not only the court officials and police officials, but they were surrounded by an unruly mob in that courtroom, weren't they — pushing up against the pen? A. No, sir.

Q. They were not? A. They were not unruly.

Q. There was a large mob around the pen?
A. There were people in the courtroom.

Q. That mob was so thick the court was not able to see the men that were being arraigned in front of? A. I doubt that.

Q. There was a large crowd surrounding the pen? A. In the courtroom.

Q. Between the judge's bench and the pen where the men were? A. Yes.

Q. They were not taken out of that pen and brought before the bench and put to plea? A. I don't remember.

Q. You know they were never put to plea in the New Britain Police Court to this day, don't you. A. I don't know what their practice is, and I don't remember whether they were brought before the judge's bench or not.

Q. You are not able to tell us what happened? A. I had a lot of things to do that day.

Q. Your job was Taborsky and Culombe that day? A. Yes, sir.

Q. What happened in the courtroom that day as far as they were concerned? A. They were charged with breach of the peace and requested a continuance for a week and it was granted and there was a bond of $25.000.

Q. Who requested it? A. I did.

Q. The Prosecutor didn't? A. Through the Prosecutor.

Q. The Prosecutor made the request? A. Yes.

Q. Were they represented by counsel? A. No, sir.

Q. Before that time Culombe over here had told you he wanted a lawyer - you testified to that? A. I did.

Q. Well, when he was arraigned in that court did you

tell the Prosecutor that the defendant who was then facing the court wanted a lawyer? A. No, sir, because - - -

Q. Never mind because - you didn't tell the Prosecutor, did you? A. No, sir.

Q. Did you inform the Court that you, a police officer who had him in custody, had been told by the man - that defendant - that he wanted a lawyer? A. No, sir.

Q. You did not.

Q. You were present in that Courtroom, as you well proved by your testimony. Did Culombe plead guilty or not guilty to the charge of breach of the peace? A. I would have to look at the record. I'm sorry; I don't know.

Q. You don't remember? A. I really don't know.

Q. Here's a first degree murder, two people dead, men you have had in your custody for days, and you don't remember whether they pleaded guilty or not guilty?
A. That's right.

Q. Did the Court ask them if they wanted a lawyer?
A. No request was made to me for an attorney after Culombe made the initial request. He never repeated it, nor did the Court or anyone else ask him.

Q. That's very fine. I appreciate it. But I asked you the question, did the Court ask Culombe if he wanted a lawyer?

THE COURT: He included that in his answer, some of which wasn't responsive. He said the Court did not.

Q. Did anyone ask Culombe in that Courtroom if he wanted a lawyer? A. I didn't.

Q. No one did? Isn't it a matter of fact, Lieutenant, that you discussed with someone the propriety of that pro-

ceeding in the New Britain Police Court and that you took a chance in engineering it? Isn't that so?

MR. Bill: Objection.

MR. McDONOUGH: Claim it.

THE COURT: I'll sustain it.

Q. Whose suggestion was it that a warrant be issued by the New Britan Police Court, or at whose request was it that Culombe be presented in the New Britain Police Court?

A. My request.

Q. It was yours, wasn't it? A. Yes, sir.

Q. Did you make the statement to anyone that you took a chance in doing that?

MR. BILL: Objection.

MR. McDONOUGH: Claim it.

THE COURT: What is the purpose?

MR. McDONOUGH: The purpose of this is to show, Your Honor, that these men were under constant pressure and duress and force. They were taken into the Police Court, deprived of their rights, all as part of a scheme concocted by this witness.

THE COURT: For that purpose and that purpose only I will admit the question.

MR. BILL: The objection is not laying a foundation by naming the person — If he is going to point out — the person the conversation was directed to.

THE COURT: I don't think he has to do that.

MR. BILL: To point out to this man what he is talking about.

MR. McDONOUGH: This is cross examination, Your Honor.

THE COURT: Wait. You both talk at the same time. Mr. MacGlashan can't follow you and I can't either. I understand that your objection is that he must lay a proper foundation for this question?

MR. BILL: Yes, Your Honor.

THE COURT: And this is cross examination.

MR. BILL: Yes.

THE COURT: And anything that might show interest in this witness I take it would be admissible, if it could be shown. And for that purpose of showing an interest in this witness I will allow the question.

MR. BILL: Exception, Your Honor.

THE COURT: Surely.

MR. McDONOUGH: May it be read?

THE COURT: Read it, Mr. Burke.

Q. (Repeated by reporter): "Did you make the statement to anyone that you took a chance in doing that?"

A. I may have.

Q. And who is that person you made the statement to? A. I don't know. I may have made the statement.

Q. Why is your answer you may have? You know you did make such a statement, don't you?

THE COURT: What is the question, Mr. Burke? (Last question read by reporter.)

THE COURT: Will you answer it?

A. I may have made such a statement. I say I may have, because there was a chance as to whether or not we could get a conviction on breach of the peace.

Q. Yes; and a chance whether or not you were going to get what you wanted in the way of a so-called confession, that might blow up in your face by getting nothing after all you had gone through in the Police Court that you engineered? That's possible? A. I don't know what you mean by "blow up in my face."

Q. Supposing you got no confession and you had to turn these men loose eventually; doesn't that mean that to you? After arraigning them, engineering the deal?

A. That's all part of my job.

Q. Weren't you dictating to the Court officials in New Britain? A. I dictate to no Court Officials.

Q. Didn't you issue a statement thanking the prosecuting attorney for issuing the warrant? Why should you issue such a statement? A. Did I?

Q. Did you? A. No, sir. I talked to the prosecutor and I thanked him—the alternate prosecutor, and I thanked him for his co-operation, coming down to Hartford from New Britain on Sunday night.

Q. Didn't you, in the presence of newspapermen and to the newspapers, express your appreciation to the New Britain prosecutor for arraigning them that morning and asking the Court for a continuance to help you in your investigation? A. I recall no such statement.

Q. You say you did not? A. I would say I did not.

Q. You will say under oath you did not make such a statement? A. I don't recall any such statement to the press. I talked to alternate prosecutor William Mangan and he made a statement to the press.

Q. There was a statement to the press of what you made? You made the statement to the prosecutor and he made it to the press? A. I'm not responsible for what he made.

Q. The purpose of that procedure in the New Britain Police Court and the only purpose was to help you in getting the confession, so-called? A. To help me investigate some serious crimes in the state of Connecticut.

Q. The whole New Britain Police Court proceeding, and the prosecuting attorney — His offices were used by you and the Court was used by you— A. No, sir.

Q. —to help you in your investigation? Not to present a man and try him?

MR. BILL: Objection.

THE COURT: Sustained.

MR. McDONOUGH: Claim it.

THE COURT: No, I'll sustain the objection.

Q. That New Britain Police Court was used by you—

MR. BILL: Objection.

Q. In the course of your investigation, wasn't it?

THE COURT: He's got a right to finish his question. Sustain the objection.

MR. McDONOUGH: May I have an exception?

THE COURT: Certainly.

Q. They never went back to the New Britain Police Court, did they? A. It wasn't necessary.

Q. I didn't ask you whether it was necessary—

THE COURT: Now, wait. It isn't proper for you to admonish the witness. He did not answer your question. Had you made a proper motion to strike it out I would have done it. Proceed.

Q. They did not go back to the New Britain Police Court, did they? A. No, sir.

Q. The Court that was used by you?

MR. BILL: Objection, Your Honor.

THE COURT: Sustained.

MR. McDONOUGH: I claim it.

THE COURT: I don't think you ought to pursue that line.

MR. McDONOUGH: He did say that.

THE COURT: Irrespective; whatever is in the record is in the record.

Q. Then they were brought where after that? After they left that Court that you had been in where were they brought then by you? A. State Police Headquarters.

Q. Questioned some more? A. Yes, sir.

Q. You hadn't gotten your confessions yet, so-called, had you? A. I hadn't finished my investigation.

Q. You hadn't finished your investigation until you got the so-called confession. Then it would have been completed, wouldn't it? A. No, sir. If my investigation proved that they were innocent and the confession was certainly not in order and not necessary.

Q. Was your investigation proceeding toward the end to prove to you that they were innocent or guilty?

A. At all times it is to determine the truth, whether they are guilty or innocent.

Q. You were assigned to do a job, to present Taborsky and Culombe for first degree murder, weren't you, by your superiors? A. Will you read that?

THE COURT: Read it, Mr. Burke.

MR. McDONOUGH: I'll withdraw the question.

THE COURT: All right.

MR. McDONOUGH: It's too complicated, anyway.

Q. You hadn't got your confession and they hadn't got a lawyer up to that point, Tuesday morning?
A. You mean "they"?

Q. Yes, I mean both of them. A. Joseph Taborsky, in the presence of his mother and his sister, said he did not want a lawyer.

Q. But Culombe had said he wanted one? A. That was some days earlier.

Q. He never told you since he didn't want one?
A. He never requested a lawyer.

Q. Saturday night he requested a lawyer, didn't he?
A. Since the first request, there was no other request.

Q. Since the first request? A. That's right.

Q. Which was on a Saturday night? A. I think it was Saturday night.

Q. You had taken him out on these investigations, you had brought him to the Court in a strange city, you had taken him out of Headquarters, back again, questioned him again, and no lawyer at all? A. He talked to his wife. His wife had every opportunity—

THE COURT: Why don't you answer the question?

THE WITNESS: Will you repeat the question?

THE COURT: Read the question, Mr. Burke.

(Last question read by reporter.)

Q. That's the situation, isn't it? A. That's it.

Q. And you knew by that time you were dealing with a mentally incompetent person, didn't you? A. No, sir.

Q. You certainly did by the time, didn't you, Lieutenant, by Tuesday morning in the New Britain Police Court? A. No, sir.

Q. Well, did he look as bad to you then as he looks to you now? Take a look at him. Do you think you are dealing with a competent person? A. I was of the opinion and still am of the opinion I was dealing with a very cunning individual.

Q. Very cunning? What does "cunning" mean to you?
A. Shrewd.

Q. Is cunningness a sign, shrewdness a sign of sanity to you? A. You are asking me whether or not I think he is sane? I couldn't tell you that.

Q. You know insane people, dont' you, that are actually insane, adjudged insane by Courts? You know insane people, don't you? A. I have met in my dealings people who were adjudged by the Courts to be insane.

Q. And you had found them cunning and shrewd, hadn't you? A. Yes, sir.

MR. McDONOUGH: That's all.

THE COURT: Mr. Burke? I know you can't finish, but we might as well use some of the time, unless you prefer not to.

MR. BURKE: I would prefer not to, if Your Honor please.

THE COURT: All right. You may step down, Lieutenant. The accused may be excused from the Courtroom.

(Accused escorted from Courtroom.)

THE COURT: Ladies and gentlemen, I have to give you the usual admonition that you are not to talk with anybody about this case or allow anyone to talk to you about it. You will not read anything about it in the papers, if there is anything, tonight or tomorrow morning, and if there is anything on radio or television you should ignore it. When you report here tomorrow the alternates will report to their room and you will report here. I didn't think I was going to have this opportunity to talk to you and that's why I spoke to you at quarter of four, but tomorrow I'll seriously endeavor to get all of you free by four o'clock, until the following Tuesday. And that's another thing I want to say to you. We will not be sitting Saturday or the following Monday, and when I excuse you tomorrow at whatever time I excuse you it will be until the following Tuesday. You may be excused. You may retire now.

(Court adjourned.)

FRIDAY, JUNE 7, 1957

(10:10 A.M.)

THE COURT: Good morning, gentlemen. Bring up the accused, Sheriff.

(The accused were present in the courtroom.)

THE COURT: All right, Sheriff, bring in the alternates, if you will, and the jury.

(The jury and alternates seated at 10:12 A.M.)

THE COURT: Good morning, ladies and gentlemen. You may proceed whenever you are ready, Mr. Burke.

SAMUEL ROME, previously sworn, recalled.

CROSS EXAMINATION BY MR. BURKE:

Q. Now, Lieutenant Rome, if I understand your testimony as of yesterday, you sent out two teams to pick up Taborsky and Culombe? A. Yes, sir.

Q. And these teams were sent out as I understand it, to bring these men to your office? A. Yes, sir.

Q. And the team, they did do that? A. They did.

Q. And Taborsky was brought into your office at about what time on Saturday? A. Two-twenty-five P.M.

Q. When he arrived at your office what was the first thing you did? A. I wasn't there.

Q. When you got there? A. I was notified. I was in the barracks and I was notified and I went from the barracks to my office and saw him sitting in a chair near my desk.

Q. At that time did he have a package in his hand or with him? A. He did not.

Q. No package whatsoever? A. No, sir.

Q. He didn't have a bag with him? A. No, sir.

Q. Now, what did you do when you first saw him? A. Talked with him.

Q. Did you take anything from him? A. Not permanently. I examined his wallet.

Q. You took his wallet? A. Yes, sir.

Q. And looked into it? A. I did.

Q. And then what else did you do? A. I examined the contents.

Q. And after you examined the wallet and the contents what did you do? A. I asked him whether or not he would accompany the men on a ride to Coventry and any other place they may see fit to take him.

Q. Now, that is what you asked him to do? A. Yes.

Q. What did you do? A. What did I do?

Q. Yes. A. I said that.

Q. Didn't you search his pockets at that time? A. I may have, yes.

Q. What was the purpose of that?

MR. BILL: Objection.

MR. BURKE: I claim it, Your Honor.

THE COURT: I will allow it.

MR. BILL: It was ruled out on my question.

THE COURT: It is a little different now.

MR. BILL: I will withdraw it. I want it in anyway.

THE WITNESS: Knowing his background, I wanted to make certain he had no dangerous weapons.

Q. You didn't see any bag in his hand? A. He had no bag in his hand.

Q. None at all? A. No, sir.

Q. Did he have one on the floor? A. Not in the immediate vicinity, no.

Q. And at the time you took his wallet and searched his pockets did you place him under arrest? A. No, sir.

Q. Now, after you asked or requested him to go on this trip, he went on the trip? A. Yes, sir.

Q. Now, did you tell him that if he went on the trip and no one identified him he would be on his way to Brooklyn that night? A. I don't remember saying that.

Q. Do you recall as he left your office he was carrying a bag - a paper bag, Lieutenant? A. No, sir.

Q. Didn't you ask him about the paper bag?

A. No, sir. If I were careful enough to examine his wallet and person I would have examined the bag.

MR. BURKE: May I have the question read and have the answer stricken?

THE COURT: After the word no, sir is all right. No, sir may stand. Do want the question read?

MR. BURKE: If I may.

(The reporter read the question.)

THE COURT: No, sir is all right.

Q. Didn't you tell or ask him, Lieutenant, what was in the bag and he told you liquor and ginger ale? A. No, sir.

Q. And didn't he ask you if he could take it with him on the trip and you said yes? A. He did not and I did not answer that to his question. That is definitely not so.

Q. And then as far as you are concerned you are certain he had no bag containing liquor when he left your office? A. I saw no bag.

Q. Well, if he had such a bag would you have seen it? A. Not necessarily.

Q. You wouldn't have seen a man carrying a bag that contained a fifth of liquor and a bottle of ginger ale, Lieutenant? A. He wasn't carrying a bag of any kind with anything when I saw him and I saw him seated at my desk.

Q. All right. When he was leaving your office, Lieutenant, did he have anything in his hands? A. Nothing that I could see, no, sir.

Q. Did he have anything in his arms? A. No, sir.

Q. Did he have anything between his feet? A. No, sir.

Q. Did he have anything that appeared to you to be a paper bag about eighteen inches high or something like that? A. Absolutely not.

Q. If he were carrying a bag containing liquor and soda or ginger ale would you have seen the bag Lieutenant? A. I would have seen it and removed it from him, yes, sir.

Q. Then are you certain he had no such liquor or bag in his possession when he left your office? A. In his immediate possession, no.

Q. What do you mean by immediate possession? A. On his person. If he put it in another room or someone else held it for him, I wouldn't know.

Q. There was nobody else with him? A. He was conducted to the barracks by Officers and taken from the State Police barracks by Officers.

Q. Your Officers? A. Yes.

Q. And when he was in your office he had no liquor or bottle containing liquor? A. That is positive.

Q. You didn't tell him he could carry it? A. I saw none and I gave him permission to keep or carry nothing.

There was no liquor on his person when I saw him at anytime.

Q. So that when he left your office then he had no liquor? A. When he left my office he had no liquor.

Q. All right. As he left your office who left with him?
A. I turned him over to Sergeant Paige.

Q. Now, Sergeant Paige left with him? A. I think so.

Q. Did you detail any particular Officers to go with Sergeant Paige on this tour? A. I believe I did.

Q. Who were the Officers you detailed? A. It is my recollection that Officer Moran and Officer Griffin - and Sergeant Paige.

Q. Those three? A. To my recollection.

Q. And Taborsky left your office with Sergeant Paige?
A. Those are the officers that were in that group that left.

Q. Did they all leave together - all four leave together, Lieutenant? A. It is my recollection they did.

Q. So that the three officers came to your office, you turned Taborsky over to them, and they left, - is that how it happened? A. I don't know. It is just my recollection I turned them over to Officer Paige. I may have left the office first.

Q. Give me your best recollection, Lieutenant?
A. My recollection stands that I turned these two men over to Sergeant Paige - the men detailed to assist him.

Q. And these two men were Griffin and Moran?
A. Yes, sir.

Q. And to make this other point clear and I will leave it - when he left your office he had no liquor in his possession? A. He did not.

Q. All right. Now, at what time did he return? A. Six - after six - around six P.M.

Q. Now, during that period of time from two-thirty to six, he was in the custody of the State Police? A. He was accompanied by the State Police.

Q. Well, was that by invitation? A. Yes, sir.

Q. Oral invitation? A. Yes, sir.

Q. And it was an invitation, was it, Lieutenant, that could have been denied by him - by Taborsky? A. Yes, it could be.

Q. And if he had denied it, would you have compelled him to go? A. I don't know what I would have done under the circumstances, Mr. Burke - I had no warrant.

Q. You didn't place him under arrest? A. He wasn't under arrest at that time.

Q. So that at the time you took his wallet and searched his pockets and turned him over to these men for a tour he was still not under arrest? A. That is correct.

Q. And he was not in the custody of the State Police? A. I would say so.

Q. Was he under your control? A. More or less when he was down in the barracks, true.

Q. I don't want to know more or less. Was he under your control or was he not? A. To what extent?

THE COURT: You haven't any right to ask questions.

Read the question, Mr. MacGlashan.

(The reporter read the question.)

THE WITNESS: He was not.

Q. He was not under your control? A. No, sir.

Q. He was then, I take it, a free agent to come and go as he pleased? A. Yes, so indicated by his willingness to cooperate and go along with the Officers and submit to the search, yes, sir.

Q. And the fact that he did submit to these things to you showed he was not under your control? A. Yes, sir.

Q. What other things did he do or not do that indicated that he was not under your control? A. There was no test made to determine whether or not he was under my control.

Q. Did you have him understand that he was under your custody and control in that period of time? A. No, sir.

Q. When you sent your men out to pick him up you intended they should bring him back, didn't you? A. No sir.

Q. You did not intend that? A. They were instructed to invite Mr. Taborsky to my office to be interviewed by me.

Q. What other instructions did you give them about picking up these men besides issuing this invitation?
A. I don't recall.

Q. Did you tell them to go out and invite Mr. Taborsky in to visit with you? A. Definitely.

Q. That is the way you put it? A. Those are pretty much my exact words.

Q. You didn't tell your men to go out and pick those fellows up and bring them in? A. Those words were not used.

Q. Words meaning substantially that? A. No, sir.

Q. And so that I understand you, you just sent these men out to invite Taborsky in for a discussion with you? A. I think it is - that is the story.

Q. After they arrived back were you told about the liquor incident? A. No, sir.

Q. Not at all? A. I heard about it the first time in the courtroom here yesterday.

Q. You hadn't heard of it before? A. No, sir.

Q. You didn't know before that that he had liquor with him? A. No, sir.

Q. In fact, you were certain he didn't have any liquor with him when he left your office? A. I wouldn't put my insistence just to liquor. He had no package with him - I saw no package, no liquor or firearms or anything else.

Q. Did you see any cannons or tanks? A. No, no cannons or tanks.

Q. Just talk about liquor - did you see any liquor? A. No, sir.

Q. Was there any bag or container of liquor? A. No, sir.

Q. And if he had such a bag you would have seen it? A. I would have.

Q Now, as to this control or custody by the State Police, didn't you testify as to that that if he attempted to say, "Don't bother me" and walked out, you answered to that, "I would like to see him"? A. Yes, I did. I wonder what I would have done. That wasn't an implied threat. I don't know what I would have done. I had no warrant for the man.

Q. Wouldn't you have used restraint? A. I don't know what I would have done.

Q. Now, we come back from the tour? A. Yes, sir.

Q. At what time did he come back? A. Around six - after six.

Q. Were you told he was fed on the tour? A. I do not recall at this time.

Q. You took him out to eat just shortly after that, you said? A. I took him out?

Q. Took Taborsky out to eat, you said yesterday, or didn't you, Lieutenant? A. Not shortly after that. I wasn't told that he was fed.

Q. You say that they got back around six-thirty? A. Around six, after six.

Q. And what time did you take Taborsky out to eat again? A. Mr. Burke, I am of the opinion it was Sunday night I took him out to eat and not Saturday night.

Q. Didn't you testify yesterday that it was Saturday night? A. I testified that it was to the best of my recollection. I am of the opinion that it was Sunday night. They don't feed at the barracks Saturday suppers.

Q. Well, now, Lieutenant, didn't you testify yesterday that after they returned on Saturday night you and Mr. Matus took Taborsky out to eat?. A. Yes, sir, I did.

Q. And you said that you took him out about eight-thirty? Didn't you? A. If that was my testimony.

Q. Don't you recall it, Lieutenant? A. You have it before you.

MR. BURKE: May I have the question read and the answer stricken?

THE COURT: Yes, the answer may be stricken and you may have the question read.

(Last question read by reporter)

A. I recall having testified yesterday that I took him out on Saturday night. There is a possibility and I am of the opinion now that it could have been Sunday night.

Q. Do you wish to correct your testimony on that particular point that you gave us yesterday, Lieutenant?
A. No, sir, not until I thoroughly look into it.

Q. Are you uncertain as to what your testimony was -
A. No, I -

THE COURT: Please, Mr. Burke and Lieutenant, it can't be done. Mr. Burke cannot get both statements if you are both talking at the same time, which I know that you know. Do you want to start over or do you want Mr. Burke to read the question?

(Last question read by reporter)

Q. - regarding taking Taborsky out to eat on Saturday night, Lieutenant? A. No, sir.

Q. Well, Lieutenant, did you or did you not take him out to eat about eight-thirty Saturday night?
A. I don't know whether it was Saturday or Sunday night.

Q. Yesterday, Lieutenant, weren't you quite certain that it was Saturday night? A. Yes, sir.

Q. Now, do you wish to change that testimony?
A. No, sir.

Q. WELL, are you certain today, Lieutenant, that it was Saturday night? A. No, sir.

Q. Is there anything that occurred overnight, Lieutenant, that changed your mind as to your certainty of

taking him out or not? A. Not over night, but I talked to Eddie Matus yesterday afternoon.

Q. And he refreshed your recollection? A. He was of the opinion that it was Sunday night.

Q. And did you take his word for that? A. No, I didn't. I told you I won't change the testimony. I'd have to look into it myself.

Q. You didn't attempt to look into it overnight to ascertain what occurred so you could tell us? A. The substance of the testimony is correct. The night, whether Saturday or Sunday, I am not certain.

Q. You are not certain of the details, are you? A. I am certain of the details, I am not certain of the night.

Q. Are you certain of that detail as to the night?
A. No.

Q. Are there any other details in your testimony that you gave us yesterday that you are not certain of, Lieutenant?
A. No, sir.

Q. So that every other detail that you gave us yesterday you are certain of today? A. I haven't recalled. I didn't think over all the testimony. I couldn't possibly. I wouldn't know. At the time I gave it I was certain that I was right and telling the truth.

Q. You wouldn't have any reason to do otherwise, would you, Lieutenant? A. Absolutely not, Mr. Burke.

Q. Now, when they returned from this trip you stated that the officers did not tell you that they had already fed these men? A. I don't recall them having said that they did or didn't feed the men.

Q. Did they make a report to you, Lieutenant?
A. Not on that.

Q. Did they make a report to you of their activities?
A. Yes, sir.

Q. Did Sergeant Paige tell you about the liquor incident? A. No, sir.

Q. Did Officer Griffin tell you that he threw the liquor bottle into the rubbish at the Wethersfield Diner?
A. No, sir.

Q. Did he ever tell it to you? A. Yes, sir.

Q. When? A. I asked him about it yesterday in court after I first heard it.

Q. Prior to that you never knew anything about the liquor? A. It came as a surprise to me as I sat in the courtroom.

Q. Is it a usual thing for the state police to feed liquor to people that they have under investigation?

MR. BILL: Objection, Your Honor. There is no evidence that the State Police fed this liquor to those men.

THE COURT: Are you objecting?

MR BILL: I am objecting strenuously.

MR. BURKE: I claim it on this basis. This witness says he had nothing in his hands when they left the office. The testimony is that they had the liquor in the car. Certainly the inference is that they got it from somewhere, and all of that time they were in the custody of State Police officers and I believe that this is fair cross-examination to find out whether or not this was actually the case, and I claim it in this case.

THE COURT: I don't agree with you on that. I think that you are entitled to go into the matter that you indicated, but it is immaterial in this case whether it was customary or not customary. I sustain the objection.

MR. BURKE: May I have an exception, Your Honor?

THE COURT: You may.

Q. After they did return from the tour, Lieutenant, they came again to your office - Taborsky, at any rate? A. Yes, sir.

Q. And were you in your office at that time? A. I don't recall where I was.

Q. Don't you recall any details of that night, Lieutenant? A. I do.

Q. When they came back from the tour when did you first see Taborsky? A. After he came back.

Q. What time? A. After six p.m. around six p.m.

Q. About six p.m.? A. Around that time.

Q. What do you mean, around that time? Five-thirty or six-thirty? What time, Lieutenant? A. I don't know.

Q. What time did they go out on the trip? A. Between three and four, I would say.

Q. And how long were they gone? A. A couple of hours.

Q. A couple of hours? A. Yes, sir.

Q. They came back, you say, after six o'clock? A. That is my recollection.

Q. Now, after they came back when did you first see Joseph Taborsky? A. I do not recall.

Q. Do you recall the time? A. It was between then and the time we put them to bed, before midnight.

Q. So it was any time between six and twelve o'clock? A. Yes, sir.

Q. Is that your best recollection, Lieutenant? A. Right now it is.

Q. Didn't you testify yesterday the reason that you took him out with Mr. Matus to eat, and you did it at eight or nine o'clock at night? A. If I took him out Saturday night.

Q. Did you see him, then, before eight o'clock at night? A. I feel reasonably sure I did, Mr. Burke, but -

Q. At what time did you see him, Lieutenant?
A. When?

MR. BURKE: May I have the question read, Your Honor?

THE COURT: Yes. You mustn't ask him any questions, Lieutenant. He hasn't any right to answer and you haven't any right to ask him a question and put him in that position. Will you read the question, Mr. Burke?

(Last question read by reporter)

A. I do not know.

Q. When you did see him, Lieutenant, where did you see him?

MR. BILL: Objection. I don't think that the witness knows and I certainly don't know what date we are talking about.

MR. BURKE: We are talking about Saturday, Your Honor.

MR. BILL: Thank you.

MR. BURKE: The previous question said when he returned from the trip.

MR. BILL: I will withdraw the objection if he has cleared it up.

THE COURT: All right.

Q. Do you recall the question? A. I recall the question.

THE COURT: The question is, where did he see him?

A. It would have been at State Police Headquarters.

Q. Where in the State Police Headquarters? A. I don't know.

Q. How many rooms have you got over the ?
A. Many.

Q. You don't know which of the many rooms that you saw him in? A. No, sir.

Q. Did you see him in the boiler room? A. I would not have seen him in the boiler room. I didn't see him in the boiler room.

Q. Did you see him in the Commissioner's office?
A. No, sir.

Q. Did you see him in your own office? A. That is more likely.

Q. Didn't you testify yesterday that he was brought back to your office and that is where you saw him?
A. I just said it is most likely that is where I saw him.

Q. Can't you tell us, Lieutenant, or can you not?
A. I cannot.

Q. You cannot? You don't know what time you saw him? You don't know where you saw him? A. No, sir.

Q. Wherever you saw him and whatever time you saw him, Lieutenant, did you talk to him? A. Yes, sir.

Q. Can you recall what you talked about?
A. Murder.

Q. Murder? At what time did you begin talking to him about murder? A. About 2:25 p.m. that afternoon.

Q. Now, Lieutenant, after the trip, and they have

returned to your office at about six o'clock and you have seen him at sometime, somewhere between six and midnight, you talked to him again? A. Yes, sir.

Q. What did you talk about? A. Murder.

Q. Murder? How long did you talk with him about murder? A. On and off until just before midnight.

Q. Anyway, then you talked to him about murder for about five or six hours? A. No, sir.

Q. How many hours did you talk to him about murder? A. I devoted my time between the men, Culombe and Taborsky, from the time he was returned to headquarters until the time that they were locked up in the cells at the barracks at night.

MR. BURKE: May I have the question read, Your Honor, and the answer stricken as not responsive.

THE COURT: Read the question, please, Mr. Burke.

(Last question read by reporter)

THE COURT: The answer may go out. Answer the question if you can, Lieutenant.

A. I do not know.

Q. Did you talk to him one hour? A. I do not know.

Q. Two hours? A. I do not know.

Q. Three hours? A. I do not know.

Q. Four hours? A. I do not know.

Q. Five hours? A. I do not know.

Q. I understand that you do not know how long you talked to him, Lieutenant? A. That's what I said.

Q. Now, after you finished talking to him or while you were talking to him what threats, if any did you make to him? A. I made no threats to him.

Q. You are certain of that? A. I am positive of that.

Q. Is it not a fact, Lieutenant, that while you talked to him on Saturday night that you told him that you wished there was not a law that would prevent you from working him over good? A. I did not.

Q. Did you not make that statement in the restaurant? A. I did not.

Q. You recall that detail very clearly, do you not? A. I recall the restaurant detail very clearly.

Q. Did you at any time that day, Saturday, February 23rd, afternoon or evening, anywhere, any place make the statement to him that you wished that you could work him over good and you would get the answer? A. I did not.

Q. You are certain of that? A. I am positive.

Q. Now, you say that you locked him up at midnight? A. I had him locked up about midnight, yes, sir.

Q. And who locked him up at midnight? A. It is my recollection that Sergeant Paige did.

Q. Sergeant Paige locked him up? A. That is my recollection.

Q. Where did he lock him up? A. State Police cell block, Washington Street.

Q. And was Culombe locked up at the same place? A. Yes, sir.

Q. Now, where in relation to Culombe was Taborsky locked up? A. In the basement of the barracks there is

a cell block consisting of three cells. There are two bunks in each cell, and Taborsky was locked in one end, Culombe in the other, with an empty cell in between.

Q. Was there a guard placed over them? A. No, sir.

Q. This cellblock, as I understand it is downstairs in the barracks, isn't it? A. In the basement of the barracks.

Q. In the basement of the barracks? There was nobody there all night with the men who were in the cells? A. Not the first few days.

Q. I am talking about Saturday night, Lieutenant, February 23rd, 19 and 57. On that particular Saturday night when you ordered Sergeant Paige to look them up no guard was placed, is that correct? A. That is my recollection. There was no guard posted.

Q. So that all night long these men were in the basement unattended? A. Yes, sir.

Q. Now, what kind of hearing devices do you have those cells equipped with, Lieutenant? A. The best.

Q. So that anything that is said by anyone in those cells is recorded or listened in to by you people? A. It can be. We can listen in, yes, sir.

Q. And on that particular night the machine was going, wasn't it? A. No machine.

Q. The equipment, the device, the hearing device? A. Yes, sir.

Q. And did you record anything, Lieutenant? A. No, sir.

Q. Now, if a fire had occurred these men would have been downstairs in this basement unattended, unable to get out of the cell? A. No, sir. There are men in

attendance twenty-four hours a day at the barracks and they supervise the entire barracks.

Q. They are upstairs, aren't they? A. Yes, sir.

Q. And the cellblock is downstairs, isn't it?
A. Yes, sir.

Q. Now, Lieutenant, let me ask you this: you are pretty familiar with the furnishing of those cells?
A. Yes, sir.

Q. Let's take Taborsky's cell. That is equipped with a cot? A. With a metal bunk which is supported by chains.

Q. It comes out from the wall? A. It is attached to the wall.

Q. Does it have a mattress, Lieutenant? A. No, sir.

Q. Does it have a blanket? A. Yes, sir.

Q. How many blankets? A. As many as the inmate wishes.

Q. In that particular cell there was one blanket, wasn't there? A. I don't know.

Q. Did you find out what the cell was equipped with, Lieutenant? A. I don't recall having brought him to the cell. I may have checked the next morning.

Q. When you checked the next morning did you notice how many blankets he had? A. No, sir.

Q. Did you notice that he had slept in his clothes all night? A. That would be the thing that he would do there, yes, sir.

Q. Did you notice whether or not, when you checked him the next morning, that Taborsky had slept in his

clothes that night? A. I would have no way of knowing whether or not he removed his clothes during the night. He could have slept in his clothes that night.

Q. Did he tell you that he had to sleep with his clothes on, because it was so cold that he couldn't sleep without them? A. No, sir.

Q. You don't recall that detail? A. He didn't say that to me.

Q. He didn't say that to you? A. No, sir. We have plenty of blankets available for inmates.

Q. If he had said that to you you would have recalled it? A. I would have furnished him more blankets.

Q. You wouldn't just refuse to give him a blanket to keep him uncomfortable, would you, Lieutenant?

A. No, sir, Mr. Burke, I would not.

MR. BILL: Objection - all right, he answered.

THE COURT: I will allow it.

Q. What time in the morning did you take him out of that cell? A. I don't think that I removed him, but it would be between nine and ten.

THE COURT: Between nine and ten?

THE WITNESS: Yes, that being Sunday morning, there is no breakfast in the barracks and I would have eaten out myself and come back in later and we didn't want to interview the prisoners until after we got there.

Q. So that it was between nine and ten o'clock you say you had got there? A. That is my guess.

Q. Now, what else is in this cell - is there a washbasin? A. Yes, sir.

Q. And what kind of faucet does it have? A. A tap and faucet with a spigot.

Q. It is a type of faucet that you push the faucet and the water runs and when you take your hand off the water stops? A. Yes.

Q. In that particular basin in the cell where you had Taborsky it had no towels, did it? A. It did.

Q. It had towels? A. Yes, sir.

Q. Did you check it? A. No, sir.

Q. How do you know it had towels if you didn't check it? A. Everytime I have been there —

MR. BURKE: May I have the question read?

THE COURT: Yes, the answer may go out. Read the question, Mr. MacGlashan.

(The reporter read the question.)

A. That is the custom.

Q. The custom is give them towels, right? A. No.

Q. The custom is not to give the towels? A. No.

Q. Now, you have got me confused. The custom is to give them and not to give them. Which is it? A. The janitor furnishes fresh blankets for each new inmate, towels, toilet tissue, he cleans the cellblock with Lysol and disinfects it. That is the custom.

Q. Let us get back to this particular cell. You know, do you not, that no towels whatsoever were furnished that cell for Taborsky? A. I do not.

Q. Did you check to find out? A. No.

Q. Did you know that there was no stopper in that sink so that you had to hold on to the water faucet?
A. Yes, I do know that.

Q. So that when you are speaking of that faucet,

the waters runs and you let your hand go and the water stops, doesn't it? A. Yes, sir.

Q. So that the sink won't hold any water without the stopper? A. No, sir.

Q. How did you expect him to wash himself, Lieutenant? A. By keeping the faucet depressed with one hand while he washed himself with the other.

Q. He had to use one hand to press the faucet and wash himself with the other? A. Yes, sir. He never complained to me.

MR. BURKE: May that last part of the answer go out?

THE COURT: It may go out.

MR. BURKE: And may the witness be cautioned only to answer my questions?

THE WITNESS: I am sorry.

THE COURT: He says he is sorry and the caution is applied to confine your answers to the questions asked.

Q. Now, Lieutenant, he had to wash himself with one hand in a basin that wouldn't hold water, so that he had to hold the faucet with one hand and wash with the other hand, that is true, isn't it? A. Yes.

Q. And you don't know whether or not he had any towels, do you, of your own knowledge? A. No, sir.

Q. Now, let us get to the soap. Do you know whether or not there was any soap in that cell? A. Of my own knowledge, no, sir.

Q. Isn't it a fact, Lieutenant, that Taborsky complained to you bitterly day after day that he couldn't clean up? A. No, sir, it is not a fact.

THE COURT: Wait a minute. When he is trying to answer a question let him finish.

THE WITNESS: No, sir, it is not a fact. Mr. Taborsky never complained about the facilities in that cell block at anytime to me.

Q. Isn't it a fact, Lieutenant, he brought his complaint into this Court and told the Judge that he wasn't permitted to wash up - is that not a fact? A. He made a complaint about washing in this courtroom. Now, whether or not it was about here or the County Jail, I don't know.

Q. You were present here? A. I was present.

Q. And you were present when he asked Judge Bordon to order you fellows to permit him to wash? A. Yes, sir.

Q. And after that you did, didn't you? A. He received the same as before, yes, sir.

MR. BURKE: May the answer go out as to the first part?

THE COURT: I think so. Will you read the question Mr. MacGlashan?

(The reporter read the question.)

THE COURT: "He received the same as before" may go out and the rest may stand - "Yes, sir."

Q. For how many days, to your knowledge, was Taborsky unable to wash himself? A. Not one day to my knowledge.

Q. He could have washed himself with the one hand procedure which you spoke of? A. Yes, sir.

Q. Now, Lieutenant, did you place Taborsky under arrest on Saturday afternoon, February 23, 1957? A. No, sir.

Q. Did you place him under arrest at a subsequent hour on the same day? A. Yes, sir.

Q. Let me ask you this. Did you question him for an hour at a time.

MR. BILL: I object to it. It is repetitious. We went all over it.

THE COURT: I think that might be, but I would not sustain it on that ground, but I think the witness may be in some difficulty as to what particular time you are talking about when you asked this last question. Will you read it, Mr. MacGlashan?

(The reporter read the question.)

THE COURT: I suppose you mean that night?

MR. BURKE: That night, yes, Your Honor.

THE COURT: Would you answer it.

A. I don't know.

Q. You said you were going from man to man - Taborsky to Culombe? A. Yes, sir.

Q. In your questioning on that evening of February 27, 1957 after they had returned from the tour? A. Yes, sir, that is correct.

MR. BILL: The 27th?

MR. BURKE: the 23rd, 1957.

THE COURT: You don't mean that. Will you read the question, Mr. MacGlashan?

(The reporter read the question.)

THE COURT: And it is the 27th and not the 23rd?

MR. BURKE: I mean the 23rd, 1957 - Saturday night.

THE COURT: The question doesn't read that way.

MR. BURKE: I will straighten it out again.

Q. On that Saturday night, February 23, 1957, the two men involved, Taborsky and Culombe? A. Yes, sir.

Q. At the State Police barracks - had returned from a tour with a detail of Officers which you had sent them out on - you are back at the barracks. You stated, Lieutenant, you had examined them or questioned them, first one man and then another man? A. Yes, sir.

Q. You divided your time, is that correct? A. Yes, sir, and also directed Officers in the further investigation.

Q. I want to direct your attention just to the hours of closing, not the administrative details of your office. When you questioned these men did you do it a half an hour at a time, one, a half an hour on the other, five minutes one, five minutes the other? What time periods did you use? A. I make no time periods, Mr. Burke. If I get a bit of information from him in five minutes I would leave him, go out to the officers, direct them to check on it and then come back. I may stay with him an hour.

Q. So what do you feel is your best recollection about the total time over which you questioned Taborsky on Saturday night, February 23rd, 19 and 57? A. Two hours.

Q. Two hours? A. Yes. That's a guess.

Q. Is that your best recollection, Lieutenant?

A. That's my best recollection. I think that it is a good one.

Q. I didn't hear the last. A. I think that is a good one. It is a strong recollection in my mind.

Q. That the total time that you questioned him on Saturday night was two hours? A. Would be about two hours, yes, sir.

Q. Two hours? All right. Then from six o'clock at night until eleven o'clock at night you spent two hours in questioning Taborsky? A. Yes, sir.

Q. At what time? A. About ten o'clock.

Q. Ten o'clock in the evening? A. Yes, sir.

Q. And what did you charge him with? A. Suspicion of a felony.

Q. And is that under Section 195(d) of the 1955 Supplement? A. I don't think I know the Section.

Q. Now, after you placed him under arrest for the suspicion of having committed or about to commit a felony - which was it? A. Both.

Q. That he was about to commit a felony - and you had grounds to believe he had committed one? A. Yes, sir.

Q. All right. After you had placed him under arrest under this Section of the Statute you had him locked up? A. Yes, sir.

Q. You kept him locked up Saturday night and Sunday? A. Not continuously.

Q. You let him go home, Lieutenant, did you - did you let him go home, Lieutenant? A. No, sir

Q. You kept him under your control and custody at the Police barracks? A. In my custody at the Police barracks, yes, sir.

Q. And when he wasn't locked up in that little cell over there he was in your office being questioned by you? A. No, sir.

Q. Well, where was he? A. Probably being questioned by someone else.

Q. But he was being questioned? A. Or eating or attending to his toilet.

Q. Attending to his toilet? A. Yes, sir.

Q. Without soap, towels or water. What I want to know -

MR. BILL: I move that be stricken.

THE COURT: It may go out. That isn't the evidence at the moment and the jury may disregard it.

Q. When you took him out of the cell on Sunday morning and during Sunday he was contained or restrained at the barracks at the State Police Office? A. Yes.

Q. He was under arrest? A. He was.

Q. For a serious offense - the commission of a felony business? A. Yes, sir.

Q. Now, on Monday morning did you take him anywhere to present him to a proper authority? A. No, sir.

Q. When you did take him somewhere to be presented to an authority you took him to New Britain to the Police Department, did you not? A. Yes, sir.

Q. And you had him arrested again, didn't you?
A. Yes, sir.

Q. You arrested him on Monday? A. I did.

Q. You did. So you had an arrest Saturday night and had one again Monday afternoon, did you not?
A. Yes, sir.

Q. Now, let me ask you, Lieutenant, when did you present Taborsky to any proper authority on the arrest which you made Saturday night? A. Tuesday morning.

Q. Tuesday morning. Tuesday morning you presented him to the Police Court of New Britain? A. Yes, sir.

Q. On a charge of the breach of the peace? A. Yes, sir.

Q. On an arrest made by you Monday afternoon?
A. Yes, sir.

Q. I am asking you, Lieutenant, when you presented him to a proper authority on the charge which you arrested him on Saturday night - suspicion of having committed or believed to be about to commit a felony? A. Tuesday morning.

Q. What felony did you have him presented for? A. He wasn't presented. After a discussion with the prosecutor, the holding charge was dropped and a suspicion charge was made against both.

Q. Well, you were in the Police Department were you not on Monday? A. Yes, sir.

Q. Monday afternoon, I think you testified? A. Yes, sir.

Q. Didn't you or did you not, with reasonable promptness, present this man after having arrested him on Saturday night before a proper authority? A. Yes, sir.

Q. You presented him on Tuesday morning? A. Yes, sir.

Q. And did you on Tuesday morning discuss with the prosecutor of the New Britain Police Court a felony charge? A. Yes, sir.

Q. And he refused to issue a warrant or order? A. He issued a warrant.

Q. On a felony? A. Breach of the peace.

Q. Breach of the peace is a misdemeanor, isn't it? A. Yes, sir.

Q. And that isn't the charge you arrested him for Saturday night, is it? A. No, sir.

Q. And you never did present him before any proper authority within a reasonable time after the arrest Saturday night, did you? A. He was brought to the Police Court Tuesday morning.

Q. Couldn't you have presented him to the Police in New Britain on Sunday? A. Yes, sir.

Q. You could have presented him to the Police Department in New Britain on Monday morning? A. Yes, sir.

Q. You could have presented him to the Court in New Britain on Monday morning? A. We were late for that, no, sir.

Q. So you delayed presenting him until Tuesday? A. Yes, sir.

Q. And when you did present him you never presented him on the original arrest which you made Saturday night, did you? A. He wasn't charged with that, no, sir.

Q. You arrested him under Section 195(d)? A. I said suspicion of a felony.

Q. You did not present him to any proper authority until the following Tuesday? A. That is right.

Q. You had an opportunity on Sunday and Monday to do it, didn't you? A. There was no Court on Sunday.

Q. You have a Police Department, don't you - in New Britain? A. Yes, sir.

Q. You could have presented him on Monday, couldn't you? A. Yes, sir.

Q. And you didn't do that? A. No, sir.

Q. Why didn't you do it? A. Will you repeat that question, please?

THE COURT: Read it, Mr. MacGlashan. I suppose he wants the previous question.

(The reporter read the two previous questions and answer.)

THE WITNESS: It wasn't in accordance with good investigation.

Q. But it was in accordance with the Statute, wasn't it? A. Yes, sir.

Q. With reasonable promptness to bring him before a proper authority? A. Reasonable promptness - Tuesday morning, yes.

Q. You know that Statute, or did, didn't you?
A. I am aware of it.

Q. And you know when a citizen is arrested and locked up by the State Police he is entitled to be brought before a proper authority within a reasonable time?
A. Yes.

Q. And with reasonable promptness? A. Yes, sir.

Q. And that if the Police Department was open on Sunday and the Court was open on Monday you could have brought him in there, couldn't you? A. No, sir, that isn't the proper authority. The Statute refers to the Police Department.

Q. Was the New Britain Police Department open Monday morning? A. Yes, sir.

Q. You didn't bring him before the Court on Monday? A. No, sir.

Q. And with reasonable promptness, you could have, couldn't you? A. Yes, sir.

Q. But you wanted to hold him and do some more grilling, didn't you?

MR. BILL: Objection to the grilling.

THE COURT: I will sustain it.

Q. You wanted to interrogate him some more, didn't you? A. Yes, Mr. Burke.

Q. And that is why you didn't bring him before the proper authority - you wanted some more time? A. Yes, Mr. Burke.

Q. Why didn't you obey the Statute, Mr. Rome?
A. I did —

MR. BILL: I object.

THE COURT: I will sustain the objection and the answer may go out.

Q. Let us go back to Saturday night. You were questioning him, you say? A. Yes, sir.

Q. When he returned from the tour. He returned about six o'clock? A. There abouts.

Q. And will you give your best recollection of what hour he returned? A. Between six and seven.

Q. Did you question him then immediately?
A. This is Mr. Taborsky you are talking about?

THE COURT: He can't answer you. It is about Taborsky that you took over. That is what we have been talking about for half an hour.

THE WITNESS: I don't know.

Q. You don't know. Well, will you give me your best recollection when you began to question him?
A. That evening.

Q. That evening, and then when you started to question him did you continue your questioning for a period of time? A. A short period of time.

Q. Sir? A. A short period of time.

Q. How long in your best recollection? A. I don't recall. I divided my time between the men, Culombe and Taborsky.

Q. How many hours did you spend in questioning Culombe? A. Perhaps a little less than that.

Q. Would you say an hour and a half, Lieutenant? A. That would be a good guess.

Q. Well, I want your best recollection. A. I am trying to give you my best recollection, Mr. Burke.

Q. May I have it, then? A. An hour and a half.

Q. An hour and a half you believe? A. Yes, sir.

Q. Now, between six and twelve Taborsky was locked up, you spent two hours questioning him? A. I don't understand the question.

THE COURT: Read it Mr. MacGlashan.

(Last question read by reporter)

THE COURT: You still don't understand it?

THE WITNESS: No, sir.

Q. Let me see if I can get it over. On Saturday night you told me that you spent in the entire evening of Saturday a maximum time in questioning Taborsky of two hours, correct? A. Yes, sir.

Q. That time you spent between six o'clock and twelve o'clock, correct? A. Yes, sir.

Q. What was he doing during the other three hours? A. Lying.

Q. Lying? A. Yes, sir.

Q. He was sitting there by himself lying, Lieutenant? A. No, others had talked to him too, Mr. Burke.

Q. I just want to ask you, Lieutenant -

MR. BURKE: First, Your Honor, may that answer be stricken? And the question read again?

THE COURT: Yes, I don't think that it was responsive. I'll strike it out. Read the question, Mr. Burke.

Q. (Repeated by reporter) "He was sitting there by himself lying, Lieutenant?" A. No, sir.

MR. BURKE: May I have the question, Your Honor

THE COURT: Do you want it read again?

MR. BURKE: No, Your Honor.

THE COURT: All right.

Q. So that for two hours you were questioning him and for three hours what was he doing, again? Let's have that. A. I don't know.

Q. You don't know? Was he subject to questioning by other officers during that time? A. Yes, sir.

Q. You do know then, don't you, Lieutenant what he was doing? A. I don't know whether or not he was. He was subject to that, Mr. Burke, but whether they were in fact questioning him I don't know.

Q. Weren't you in charge of the investigation?
A. Yes, sir.

Q. Didn't you know what men you detailed to watch him and question him? A. A man can be detailed to just sit with him and just plain sit with him.

Q. Did you detail any men, when you weren't with him, to just plain sit with him? A. Yes, sir.

Q. Did you detail any other men to just plain sit and question him? A. Yes, sir.

Q. Now, who did you detail to just plain sit with him?
A. During the entire course of the investigation -

MR. BURKE: May I have the question re-read, Your Honor, and the answer stricken?

THE COURT: Yes, the answer may go out. Read the question, Mr. Burke.

(Last question read by reporter)

THE COURT: Answer it if you can, Lieutenant.

A. I don't know.

Q. Who did you detail to just plain sit and question him, Lieutenant, on Saturday night, February 23rd, 19 and 57? A. I don't know.

Q. You don't know? Do you know how long this person that you detailed to question him did spend in questioning him? A. No, sir.

Q. Do you have any kind of recollection as to how much time he might have spent questioning him? A. No, sir.

Q. Now, on Sunday you say you got to the barracks about nine or ten o'clock? A. That is my recollection.

Q. And did you immediately go to see Taborsky?

A. I am not certain, but I feel pretty sure that is what I would do and I did.

THE COURT: Read it, Mr. Burke.

(Last answer read by reporter)

Q. You did? And did you talk to him while he was in the cell? A. I don't recall.

Q. At what time did you have him taken from the cell? A. The exact time I don't know, but it was in that morning.

Q. Was it before noon, Lieutenant? A. I don't recall.

Q. What time did you have him fed on Sunday morning, Lieutenant? A. I don't recall.

Q. Did you have him fed at all, Lieutenant?
A. The orders were left by me to have him fed, yes, sir.

Q. Was he fed, Lieutenant? A. To the best of my knowledge he was.

Q. At what time? A. I don't know.

Q. Well, when did you first start questioning him on Sunday? A. I have no way of knowing, Mr. Burke.

Q. Well, was it Sunday afternoon or Sunday morning?
A. Probably Sunday morning.

Q. About what time, Lieutenant? A. I don't know. I said probably Sunday morning. I wouldn't know the time.

Q. Didn't you keep any log of your activities, Lieutenant? A. No, sir, not of this type activity.

Q. You don't keep any such log? A. No, sir.

Q. So your superiors don't know what you are doing as these things develop? A. Yes, sir, they do.

Q. Do they do that because you have a log?
A. They know that because they take my word, and I tell them.

Q. But you don't keep any kind of log of your activities as to what you have done in any particular case? In this particular case I am concerned with? A. No, sir, something like that would not be recorded in any log.

Q. Well, do you feel, or do you recollect questioning him on Sunday morning? A. I feel I did.

Q. And what time do you figure that you did?
A. In the morning.

Q. Well, give me your best recollection as to the

hour. A. Between the time that I arrived at the barracks, and noon.

Q. And noon? All right, and where did you question him? A. I have no recollection, Mr. Burke. I would say that it was up in my office.

Q. And would you have removed him from the cell then? A. Yes, sir.

Q. And did you remove him personally from the cell? A. If I took him up to my office I removed him from the cell.

Q. And when you took him out of the cell you noticed, of course, that he was unwashed, didn't you, Lieutenant? A. No, sir.

Q. You wouldn't pay any particular attention to that, would you? A. Not unless it was brought to my attention.

Q. But you wouldn't notice it just looking, would you, Lieutenant? A. May I answer this way, Mr. Burke. The man hadn't shaved over night and he would look a little different than you or I after we shaved.

Q. He would look dirty, wouldn't he? A. Unshaven is the word.

Q. All right, you took him upstairs to your office sometime on Sunday morning before noon, between nine and ten and noon. You commenced your questioning again, didn't you? A. Yes, sir.

Q. How long did you continue it? A. There again I had no log, Mr. Burke. I don't know.

Q. No idea at all? Was it ten hours? A. No, sir.

Q. Five hours? A. No, sir.

Q. Two hours? A. Could be.

Q. Well, you think that it could be two hours, not more than two hours, Lieutenant? A. I would doubt that, Mr. Burke.

Q. Pardon? A. I would doubt that.

Q. Give me your best recollection, Lieutenant?

A. I have no recollection. This is all - I don't have a definite recollection of having brought him up and interrogated him. I believe that I did but I can't truly recall bringing him up there and interrogating him.

Q. Didn't you testify yesterday, Lieutenant, that you questioned him all day Sunday, both these men? A. I don't believe that I did.

Q. You don't believe you did? But now, this morning, you have no recollection of having questioned him on Sunday, February 24th? A. I am sure that I questioned him but I don't have a definite recollection of actually talking to him Sunday morning, no, sir.

Q. Do you have any recollection of talking to him Sunday afternoon? A. Not right now I don't.

Q. So you don't know right now whether you talked to him at all on Sunday, do you? A. Oh, I feel pretty sure that I did.

Q. Well, haven't you got any recollection of what time you talked to him Lieutenant? A. No, sir.

Q. You haven't any idea of how long you talked to him? A. No, sir.

Q. You don't know whether it was two hours or ten hours? A. I do, sir.

Q. Which was it? A. It was not ten.

Q. Well, you have no recollection, you said, Lieutenant. Have you some notes? A. I would have a recollection if it were ten hours.

Q. Would you have a recollection if it was four and a half hours? A. I might.

Q. Was it four and a half hours? A. I don't think so.

Q. How long was it? A. Probably a couple of hours.

Q. A couple of hours? And at the end of a couple of hours what happened? A. I probably interrogated Arthur Culombe.

Q. That is a guess, isn't it, Lieutenant? A. Yes, sir.

Q. I want your recollection. A. I have no recollection.

Q. As best you can give it to me. A. I am giving you the best that I can.

Q. And do you know, then? A. No, sir.

Q. So you don't know whether you questioned the or what happened after you questioned him for about two hours? A. No, sir. There was nothing of any real significance, so I made no note of it.

Q. While you questioned him, Lieutenant, on Sunday, did he not deny that he was involved in these things? A. That's right.

Q. So that was not significant to you? A. It, I felt, was not the truth so it had no real significance.

Q. If he had admitted participation, that would have been significant? A. And I could prove that he was admitting to the truth, it would have had some significance. Yes, sir.

Q. Did you attempt, when he denied it, to prove that he was not involved, on Sunday I am talking about?

MR. BILL: May I have that question, Your Honor?

THE COURT: Read it, Mr. Burke.

(Last question read by reporter.)

A. Yes, sir. My attempt is always to find the truth.

Q. So that when a man denies that he committed a crime, isn't that significant to you in your investigation of the crime? A. No, sir.

Q. All right, now you questioned him on Sunday for two hours, approximately. It would bring us sometime into two o'clock on Sunday afternoon. What did you do with him then? A. Probably talked to him some more. I don't know. I have no definite recollection. I am sorry.

Q. You don't know whether or not you talked to him on Sunday afternoon? A. I am sure that I did. What time I don't know.

Q. After you talked to him on Sunday, you said that your best recollection is two hours, that brings us up to about two o'clock. Now, what happened after that, do you know?

MR. BILL: Your Honor, I object to the question or the statement that it brings it up to a certain time. I haven't heard any time definitely tied together to come to a certain time.

THE COURT: Do you object?

MR. BILL: I object.

THE COURT: I will sustain the objection.

MR. BURKE: May I be heard, Your Honor?

THE COURT: Oh, surely.

MR. BURKE: The evidence is that he brought him up for questioning between ten and twelve o'clock. I think that we can find it there.

THE COURT: Yes, that is true.

MR. BURKE: Ten and twelve o'clock, plus two hours, would be about two o'clock.

THE COURT: Or twelve o'clock. And so I will sustain the objection.

MR. BURKE: All right.

Q. If you brought him up to start questioning at ten o'clock, it would be twelve o'clock? A. Yes, sir.

Q. If you started at twelve o'clock it would be two o'clock? A. Yes, sir.

Q. Now, tell me, Lieutenant, what did you do after the twelve or after the two, whichever alternative happens to be the fact? A. Continued to check on the information that he had given me,

Q. You didn't question him? A. I questioned him later.

Q. I mean after that.

THE COURT: Well, he said "later". Keep your voice up, because Mr. Burke missed that and I am afraid that the jury is missing some of it, too. Go ahead, Mr. Burke.

Q. Did you return him to his cell while you were checking these things? A. I have no recollection of that.

Q. Did you feed him any Sunday lunch? A. He was fed three times Sunday.

Q. You have a definite recollection of that?
A. Those were my instructions. I am sure they were carried out.

Q. I am asking you if you know if he was fed?
A. No, sir.

Q. It is a fact, isn't it, Lieutenant, he was not fed until you claim that you took him out that night?
A. It is not a fact, Mr. Burke.

Q. You don't know whether or not it is a fact, do you? A. It is not a fact that he ate the first time when I took him out that night.

Q. You don't know of your own knowledge whether he was fed or not fed on that Sunday, do you, Lieutenant? Under oath tell me. A. He was fed that Sunday.

Q. And you know that? A. Yes, sir.

Q. At what time did you feed him? A. If it was Sunday when I took him out to lunch -

Q. Did you take him out to lunch on Sunday? A. It was either Saturday or Sunday. Probably Sunday.

Q. At what time did you take him out to lunch on Sunday? A. I don't know. It was in the evening.

Q. In the evening? A. Yes, sir.

Q. At about what time did you eat lunch in the evening? A. It wasn't lunch. We had supper. I think that it was late. It was dark.

Q. About nine o'clock at night, would you say? A. I don't think that it was as late as that.

Q. What time? What is your best recollection? A. Five, six.

Q. Five or six o'clock? A. Just a guess.

Q. That is another guess? A. Yes, sir.

Q. Where did you take him from when you took him to this lunch at five or six o'clock. What room, what office, what cell, what building did you take him from, Lieutenant? Your best recollection. A. I am not the opinion that it was from my office.

Q. From your office? A. Yes, sir.

Q. How long had you been in your office then?
A. I don't know.

Q. What time did you lock him up on Sunday night?
A. Probably ten o'clock.

Q. Ten o'clock? What time did you get back from lunch after five or six o'clock? A. I am not certain of the time I went, but we spent probably an hour, an hour and a half at lunch.

Q. At lunch? A. Yes, sir.

Q. You and Mr. Taborsky? A. And Detective Matus.

Q. And Detective Matus? How many times did you and Mr. Matus and Taborsky go out to eat together?
A. Once.

Q. Once? That was to lunch on Sunday night?
A. It was to supper Sunday night.

Q. It was to supper Sunday night? Where did you feed him during the day, Lieutenant? A. I didn't feed him during the day.

Q. You don't know whether or not he was fed during the day, do you? A. No, sir.

Q. All right. When you got back from supper he was locked up at about ten o'clock, you say. Is that your best recollection? A. Yes, sir.

Q. It was later, wasn't it, close to midnight?
A. No, sir.

THE COURT: Perhaps this is a good place to stop, Mr. Burke. Escort the accused from the courtroom, please.

(Accused escorted from courtroom)

THE COURT: The alternates may retire to their room and the jury to theirs.

(The jury and alternates retired)

THE COURT: Short recess, Sheriff.

(RECESS 11:30 A.M.)

AFTER RECESS - 11:50 A.M.

THE COURT: Bring in the accused, Sheriff.

(Accused present in the courtroom.)

THE COURT: Sheriff, may I have the alternates, please, and the jury?

(Jury and alternates seated at 11:53 A.M.)

THE COURT: You may proceed, Mr. Burke, when you are ready.

MR. BURKE: May I have the last question and answer?

THE COURT: Yes, read it, Mr. MacGlashan.

(The reporter read the last two questions and answers before recess.)

SAMUEL ROME, on the stand.

CONTINUED CROSS EXAMINATION BY MR. BURKE:

Q. Isn't it a fact, Lieutenant, he was never locked up before midnight at anytime while he was held by you at the barracks? A. No, sir, Mr. Burke, that isn't the fact.

Q. You have a definite recollection of that?
A. Yes, sir.

Q. Now, you testified yesterday, Lieutenant, that on Sunday night the prosecutor of the New Britain court came to your office. Did you send for him? A. Yes, sir.

Q. Was that for the purpose of presenting Taborsky on a breach of the peace charge? A. Yes, sir, it was for the purpose of discussing the situation up to that time.

Q. And at that time did you ask the prosecutor to issue a warrant for the arrest of Taborsky? A. Yes, sir.

Q. Did he issue one? A. No, sir.

Q. Did you ask him to issue a warrant for the arrest of Taborsky for the commission of a felony? A. No, sir.

Q. You asked him for a warrant for breach of the peace? A. That was his suggestion.

Q. What did you ask him, Lieutenant, to issue - what kind of a warrant did you ask him to issue?
A. Whatever warrant he would see fit based on what we had.

Q. Well, you, under your Police powers of arrest, arrested him on reasonable grounds of belief that he had committed a felony? A. Yes, sir.

Q. And you told the prosecutor that, I assume?
A. Yes, sir.

Q. And you then asked him to issue a warrant for the arrest of Taborsky on breach of the peace? A. That was discussed. I think that came from the alternate prosecutor. This wasn't the prosecutor.

Q. Mr. Mangan, wasn't it? A. Yes, sir.

Q. Did you ask for him? A. Yes, sir.

Q. You sent for him for the purpose of issuing a warrant, didn't you? A. To discuss the case.

Q. You didn't even obtain from him a warrant on that particular night? A. No, sir.

Q. Why not? A. He was the alternate prosecutor. He wasn't serving that week in New Britain.

Q. He had authority to issue warrants - you knew that, didn't you? A. No, sir.

Q. You didn't. He had authority to issue warrants. A. Not when he is not on duty.

Q. And when he wasn't on duty would he have the authority?

MR. BILL: Objection, Your Honor.

THE COURT: I will sustain it.

Q. If he didn't have any authority to issue any warrants, what did you send for him for? A. Legal advice.

Q. Legal advice. You didn't send for the prosecutor, did you? A. No, I was of the opinion he was the prosecuting attorney that week.

Q. So you sent to New Britain to get the alternate prosecutor to come in on Sunday night and give you some legal advice? A. No, sir.

Q. You just stated you did, Lieutenant? A. I didn't ask the New Britain prosecutor — I talked to him, Mr. Mangan, on the phone and he said he would come up. He said he would come up and discuss it further with me.

Q. Now, all of the time Taborsky was with you until you put him under arrest under this suspicion of a felony statute, he kept telling you he wanted to go home, didn't he? A. No, sir.

Q. He didn't tell you that? A. No, sir, he didn't.

Q. He was happy to stay there with you? A. I wouldn't say happy.

Q. Was his liberty restrained? A. After his arrest?

Q. Before his arrest, Lieutenant? A. There was

no test made to determine whether or not his liberty was restrained.

Q. Now, let me ask you this. What time on Saturday did Taborsky ask you to see a lawyer?

MR. BILL: Objection.

MR. BURKE: Claim it, Your Honor.

MR. BILL: I haven't heard that mentioned before.

MR. BURKE: This is cross examination.

THE COURT: Well, you are raising the question.

MR. BILL: He has raised the question as though there were some testimony.

THE COURT: There is no evidence that I recall to that effect. I will sustain it. You may ask a preliminary question if you wish.

Q. Did Taborsky ask you to see a lawyer? A. No, sir.

Q. Not at all? A. No, sir.

Q. Isn't it a fact, Lieutenant, that he did ask you to send for Mr. Bergman? A. No, sir.

Q. Isn't it a fact that on that Saturday night when you held him he asked you to be permitted to contact Mr. Bergman - Mr. Nathaniel Bergman? A. No, sir.

Q. And you told him, "I will take that up later."? A. No, sir.

Q. That didn't occur? A. That did not occur.

Q. You have a definite recollection of that? A. I am positive.

Q. In that detail you are positive? A. I am.

Q. On Sunday morning did he not renew his request for an attorney? A. No, sir.

Q. And did you not again deny it? A. No, sir.

Q. On Sunday afternoon, didn't he ask you to be permitted to call Nathaniel Bergman? A. No, sir.

Q. Not at all? A. No, sir.

Q. You are sure of that? A. I am positive.

Q. So that at no time during the whole day of Sunday did he ask to see a lawyer? A. That is right.

Q. You had placed him under arrest on Saturday night? A. Yes, sir.

Q. You knew he had been in trouble before?
A. Yes.

Q. You knew that Bergman had been his lawyer?
A. I don't know whether I knew it at the time.

Q. Yet you say he never requested a lawyer?
A. No, sir.

Q. At anytime on Saturday? A. No, sir.

Q. At anytime on Sunday? A. No, sir.

Q. Anytime on Monday? A. No, sir.

Q. All this time you were questioning him?
A. Yes, sir.

Q. About crimes you suspected and told you thought he committed? A. Yes, sir.

Q. And at no time, with his background and experience, did he ask to see a lawyer? A. That is right.

Q. And at no time did you refuse to let him?
A. That is correct.

Q. Your memory is correct on that point? A. Yes, sir.

Q. Now, on Monday morning where was Taborsky, that is, February 25, 1957? A. At the barracks - I believe at the barracks.

Q. Still locked up in the barracks? A. Yes, sir.

Q. Did you see him Monday morning? A. I am quite sure Monday morning around noon - late in the morning.

Q. About what time, Lieutenant? A. Probably ten or eleven o'clock.

Q. Well, are you sure? A. No, sir.

Q. You say you are quite sure. A. About ten or eleven o'clock.

Q. About ten or eleven. Had he eaten before you saw him? A. I didn't see him eat.

Q. You don't know whether he had or not, do you? A. No, sir.

Q. In that cell there was still no towels or soap, was there? A. I didn't know that there was no towels or soap.

Q. Didn't he tell you on Monday morning again? A. No, sir, he didn't.

Q. Didn't he look dirty and unshaven? A. Unshaven, yes.

Q. Dirty? A. No, sir.

Q. Didn't he look dirty? A. No, sir.

Q. Didn't he tell you he hadn't washed since early Saturday? A. No, sir.

Q. And didn't you tell him you would take care of that later? A. No, sir.

Q. Are you certain of that, too? A. Yes, sir.

Q. Now, at what time on Sunday night did you bring Mrs. Culombe to see him? A. I didn't bring her to see him.

Q. When did you bring her to see him? A. She was transported to the barracks Tuesday night.

Q. She was transported to the barracks Tuesday night? A. That is my recollection.

Q. Now between Saturday afternoon and Monday afternoon, did you permit Taborsky to call his mother? A. The request wasn't made of me.

Q. Wasn't made to you? A. No, sir.

Q. Did you talk to Mrs. Taborsky during that period of time? A. Yes, sir.

Q. How many times did you talk to her? A. I don't know.

Q. You don't recall that? A. I don't - I talked with her.

Q. How many times? A. I don't know.

Q. Ten times? A. I wouldn't think it was that many.

Q. Five times? A. I wouldn't think it was that many.

Q. Where did you talk to her? A. On the phone.

Q. Did you go to her home? A. No, sir.

Q. Did you send anybody out there? A. I did.

Q. Who did you send? A. I can't recall just who I did send.

Q. How many times did you send him out?
A. Once or twice.

Q. Did you tell Joseph his mother was worried about him? A. I didn't know that she was worried about him.

Q. Didn't you tell him she was? A. No, sir.

Q. Didn't you tell him she was all upset and broken up about this thing? A. No. sir.

Q. And that he would do well to confess and ease her mind? A. No, sir.

Q. You told him that on Sunday, didn't you?
A. At no time.

Q. You told her to be in court on Tuesday morning in New Britain? A. No, sir.

Q. You told her then? A. I informed her of the time of the court.

Q. How did you inform her? A. By phone.

Q. So you called her and told her? A. I didn't tell her to be in court; I informed her of the court and time.

Q. Now, on Monday all day you questioned him again? A. No, sir, not all day.

Q. How many hours did you question him on Monday? A. I don't know.

Q. Haven't you any recollection of these details, Lieutenant? A. No, sir.

Q. Did you question him for ten hours? A. No, sir.

Q. Five hours? A. No, sir.

Q. Three hours? A. It could have been a total of three hours on Monday.

Q. Over how many periods? A. I don't know - perhaps the whole day.

Q. Starting at what time? A. When he was taken from his cell block.

Q. What time was that? A. Oh, that would be about nine o'clock.

Q. What time did you put him to bed that night? A. I didn't put him to bed.

Q. What time did you lock him up? A. I didn't lock him up.

Q. Who locked him up? A. I am of the opinion Sergeant Paige did.

Q. On your orders? A. Yes, sir.

Q. What time did you order him locked up? A. I don't know.

Q. Midnight, wasn't it, Lieutenant? A. No, sir.

Q. You don't recall that detail either? A. I am of the opinion - there was only one period he was locked up at midnight and that was the first day.

Q. On Monday he was locked up - your best recollection is what time? A. Before midnight.

Q. What time before? A. I don't know.

Q. Two o'clock in the afternoon? A. No, he was in New Britain at that time.

Q. Ten o'clock at night? A. It could be ten o'clock at night.

Q. What is your best recollection, Lieutenant? A. About ten o'clock at night.

Q. So that from nine to ten he was subjected to your questioning? A. He went to New Britain.

Q. Nine o'clock in the morning until ten o'clock at night, What time did he go to New Britain? A. Around noon.

Q. Around noontime. And you transported him over there? A. I believe I did.

Q. Did you question him these three hours in the morning? A. I don't know.

Q. You don't know. Did you question him the three hours in the afternoon? A. I have no recollection.

Q. Did you question him the three hours in the night? A. I have no definite recollection of having questioned him three hours in the night.

Q. Do you have any recollection where you questioned him, Lieutenant? A. No, sir.

Q. What did you question him about? A. I questioned him about murder.

Q. You don't know where and you don't know when and you don't know what time? A. It was Monday, it was at the State Police Headquarters and it was between nine in the morning and probably ten at night.

Q. Now, when he arrived in New Britain he was placed in the court in the retaining cage, or whatever you call it, right? A. No, sir.

Q. Where was he placed? A. He was booked. You are talking about Monday?

Q. Monday afternoon? A. He was booked at the New Britain Police Headquarters.

Q. And charged with breach of the peace? A. Yes, sir.

Q. What happened to the charge of the commission of a felony you had placed against him on Saturday night?

A. The prosecutor saw fit to charge him with breach of the peace.

Q. So on Monday he was booked - how long did that take? A. An hour or an hour and a half.

Q. And at that time was he questioned again by the New Britain Police over there? A. No, sir, I don't believe so.

Q. You don't believe it? A. I am quite sure he was not.

Q. So that at that time did he not again renew his request for a lawyer? A. No, sir.

Q. Didn't you again refuse him? A. No, sir.

Q. Didn't even mention a lawyer, did he Lieutenant? A. We discussed that.

Q. You discussed a lawyer? A. He and I discussed a lawyer.

Q. On Sunday? A. Yes, sir, and Saturday night.

Q. And Saturday night, too? A. Yes, sir.

Q. And in the discussion he didn't ask to see a lawyer? A. No, sir.

Q. He told you that he didn't want to see one? A. He didn't say that.

Q. Did you tell him that he couldn't see one? A. No, sir.

Q. Did you tell him that he could see one? A. He didn't ask for one. No, sir.

Q. He didn't ask for one and you didn't tell him he could see one, you didn't tell him he couldn't see one? A. That's right.

Q. So you didn't have much to say about a lawyer?
A. He understood that he was being held on an open charge of suspicion of a felony.

MR. BURKE: May I have the question read and the answer stricken, Your Honor?

THE COURT: The answer may go out. Read the question, Mr. Burke.

(Last question read by reporter)

A. No, sir, it was up to Mr. Taborsky.

Q. And he did have something to say about it? You discussed it? A. We discussed an attorney, yes, sir.

Q. And you didn't send for any attorney for him, did you? A. No, sir.

Q. And you didn't let him call one up, did you?
A. I did not deny him.

MR. BILL: I object to that question.

THE COURT: I will sustain it. The answer may go out.

MR. BURKE: I claim it. A question of credibility. He has been saying here for two days that he didn't ask for one.

THE COURT: I will have the question read, and then after you hear it you may make your argument, if you see fit. I don't think that it will be along the same lines that you are now making it. Read the question, Mr. Burke.

(Last question read by reporter)

THE COURT: There is no evidence here that he asked for it. This question implies that, so I will sustain the objection.

MR. BURKE: May I have an exception?

THE COURT: Surely.

Q. In your discussion about a lawyer on Saturday and on Sunday then, what did you talk about? A. The fact that he was not charged with any specific crime and that until such time as he was, it would not be necessary, and if he were charged with a specific crime and it was a felony, the crimes we were talking about, the State would give him one.

Q. Now, Lieutenant, the man was locked up, arrested, kept in a cell for two days, and that was the discussion about a lawyer? A. Yes, sir.

Q. During that discussion it came about, didn't it, that he wanted one, and that's the story that you handed him, isn't that so? A. No, sir.

Q. Didn't you tell him that he didn't need one, that the State would furnish one if he needed one, and he would not need a lawyer until he was so charged with something specific? A. Not those words, but -

Q. That is what you told him? A. Not those words.

Q. Substantially? A. Yes, sir.

Q. Yet you had him locked up without a charge, or an open charge which you never did anything about, and wouldn't permit him a lawyer?

MR. BILL: Objection.

THE COURT: Sustained. You don't need to answer that.

Q. After he was charged with breach of peace he renewed again his demand for a lawyer, didn't he?
A. No, sir.

Q. Didn't he ask you over in New Britain, told you that he wanted a lawyer? A. His mother, his sister and I in his presence discussed that.

MR. BURKE: May that go out, Your Honor, and may the question be read?

THE COURT: Yes, it may go out. Read the question, please.

(Last question read by reporter)

A. No, sir.

Q. Now, I believe yesterday you testified, Lieutenant, that in New Britain, in the presence of his mother and sister he said that he didn't want a lawyer? A. That's right.

Q. And this occurred when? A. After the arraignment in New Britain on Tuesday.

Q. On Tuesday? And where was this little gathering held, Lieutenant? A. In the prosecutor's office.

Q. Which sister was that? A. I don't know her name.

Q. You don't know her name? And you say that he said he didn't want a lawyer? A. Yes, sir.

Q. He said that definitely, "I don't want a lawyer." "I don't need a lawyer." A. Yes, sir.

Q. How did he say it? Is that what he said? A. I don't know the exact words, but he indicated that he didn't need a lawyer, didn't want a lawyer. Yes, sir.

Q. He had been asking you for a lawyer for a couple of days? A. No, sir, he had not.

Q. Isn't it a fact that in that prosecutor's room, Lieutenant, that there was no discussion whatsoever of a lawyer? A. That is not a fact. Not the truth.

Q. You are positive of that? A. I am positive of it.

Q. Now, when you questioned Taborsky on Sunday night and Saturday night he told you that on December 14th, he had been gambling, the night of December 14th, didn't he? A. Yes, sir.

Q. Now, yesterday you testified that he said he had stayed overnight in a gambling house. He didn't tell you that he stayed overnight in a gambling house, did he? A. Yes, he did.

Q. He told you that he was gambling all night, didn't he? A. Gambling in a gambling house all night.

Q. And he said that he was gambling somewhere in Connecticut? A. Yes, sir.

Q. He didn't say it was any kind of a house, did he? He didn't say that, did he, Lieutenant? A. He didn't use the word "house" probably. He was gambling all night.

Q. And he didn't tell you where it was, did he? A. No, sir.

Q. And he told you why he didn't tell you, didn't he? A. He told me - he refused to name the place.

Q. Yes, and he told you the reason why, didn't he? A. I believe he gave a reason.

Q. You know that he gave a reason, don't you? A. I believe he gave a reason.

Q. And the reason was that he didn't want the place raided, wasn't that the reason? A. I think that you are right.

Q. Now, on that particular night you talked to him about Culombe, too, didn't you? A. You are talking about Saturday night?

Q. Yes. A. I believe that I did.

Q. Didn't you also tell him this, Lieutenant, that until he talked his family would be bothered and harrassed by you? A. No, sir.

Q. Didn't you tell him that you would make it hard for his mother until you got from him the statement that you were looking for? A. You are saying that I told this to Joseph Taborsky?

Q. Yes, to Joseph Taborsky. A. That is not so, Mr. Burke.

Q. Didn't you also tell him that if he had any affection for his mother that he would talk? A. No, sir, I did not.

Q. Didn't you tell him that on Saturday night?
A. No, sir.

Q. While he was locked up? A. No, sir.

Q. Didn't you also tell him this, or didn't you "Culombe is a nut. If you talk he will get it and it will go easier for you. Why take the rap for a nut?" You told him that too, didn't you? A. I did not.

Q. Didn't you also tell him this, Lieutenant - I don't know whether it was Saturday night or Sunday night, or Monday night. Sometime in those days before Wednesday. Didn't you tell him that if he didn't start cooperating with you by confessing, that you would prove Mrs. Culombe was guilty of conspiracy to commit murder because she had knowledge of the guns? Didn't you tell him that?
A. No, sir, I did not.

Q. And when did you bring her to see Taborsky?
A. Tuesday. I didn't -

Q. Why did you bring her to see him? A. She was transported to the barracks to see Taborsky at her own request to determine for herself - or she was transported

to see Culombe - I am sorry - to determine whether or not her husband was guilty of these crimes..

Q. You brought her in to see Taborsky, didn't you?
A. Later I brought her in to see Taborsky, yes.

Q. And when you brought her in to see Taborsky she threw her pocketbook on the table, didn't she?
A. Yes, sir.

Q. And she said "One of you bastards better talk. These people have been after me and I want it stopped." She said that, didn't she? A. No, sir.

Q. She didn't say that? A. No, sir.

Q. Didn't she also say "I've got a couple of children and I'm not going to get mixed up in this." A. She could have. I don't remember her saying that.

Q. She didn't just stand there and say nothing to Taborsky when she came in, did she? A. No, she went for him as though she were going to beat him up.

Q. And you stopped her? A. Yes, sir.

Q. And she made the statement that I just stated, didn't she? A. No, sir.

Q. She didn't make that statement? A. I don't recall that statement.

Q. She didn't make that statement about you were going to pull her in on a conspiracy charge? A. No, sir.

Q. She didn't make that, either? A. No, sir.

Q. Did she mention her children? A. She said much to Joseph Taborsky in those few minutes. Whether or not she mentioned her children I don't know.

Q. Didn't you take any notes, Lieutenant? A. No, sir.

Q. Didn't think that it was important? A. No, sir.

Q. What time of day or night was this that she was brought to the State Police Headquarters? A. This was in the evening.

Q. What day? A. Tuesday.

Q. What time? A. I don't know. It was probably five or six o'clock.

Q. So what I stated to you, none of that happened, she didn't make any of those statements? A. I don't recall her making any of those statements, talking along that line at all.

Q. If she made that, you would have remembered it, she was making some statement about what pressure you were putting on her? A. No, sir, I was putting no pressure on her, Mr. Burke.

MR. BURKE: May I have the question read and the answer stricken, Your Honor?

THE COURT: Yes, the answer may go out. The jury will disregard it. Read the question, please.

(Last question read by reporter)

A. No, sir.

Q. You would not have recalled it? A. I would have recalled it.

Q. But you don't recall it? A. I don't recall it.

Q. You went out to see Mrs. Taborsky in the afternoon, didn't you? A. Yes, sir.

Q. What time? A. Three or four. I am guessing.

Q. Three or four, you are guessing? A. Yes, sir.

Q. What time did you get back to the barracks? A. If I went there at three I got back at four. I stayed a very short time.

Q. You questioned her out there, did you? A. Yes, sir.

Q. You questioned her about the guns, didn't you? A. No, sir. I - no, sir.

Q. Didn't question her about her knowledge of the guns that were in her house? A. No, sir. There were more important questions I had in mind at the time.

Q. You didn't want to know what she knew about the guns? A. I don't recall. I may have mentioned guns to her, but I had other more important questions in my mind.

Q. Didn't you also tell her that she was in a pretty tight fix with those guns in her house? A. No, sir.

Q. Didn't say anything about that? A. No, sir.

Q. Didn't mention the children in passing, either, did you? You were out there in the afternoon? A. No, sir.

Q. Didn't you testify yesterday, Lieutenant, that Mrs. Culombe came to the barracks in the evening? A. Yes, sir.

Q. Do you want to change your testimony? A. No, sir.

Q. You say now that she came in the afternoon? A. I didn't say in the afternoon. I don't recall having said in the afternoon.

Q. Well, what did you say? A. I visited her home in the afternoon.

Q. Yes, and you got back to the barracks? A. Five or six o'clock, I said.

Q. And shortly after you returned to the barracks she was brought in? A. She arrived, yes, sir.

Q. Let me ask you this question. What day was it that you came in to see Taborsky after there was a scuffle or a noise in the room in which you had Culombe?

MR. BILL: Objection.

THE COURT: Sustained.

Q. Did you come into the room in which you were holding Taborsky, and tell or say over your shoulder "You had better get a doctor for that fellow?" A. No, sir.

Q. And did you stage some kind of fracas or racket over there to make him think - A. No, sir.

MR BURKE: Will you wait until I finish the question?

THE COURT: Yes, you will wait until he finishes the question, and then answer it. Go ahead, Mr. Burke.

MR. BURKE: May I have the question so far, please?

THE COURT: Yes, read it as far as he went.

(Last question read by reporter)

Q. - to make him think that you were beating up Culombe? A. No, sir.

Q. And did you come in and tell him over your shoulder, or look back, "You had better get a doctor for that fellow?" A. No, sir.

Q. That never happened? A. No, sir.

Q. Now, when Mrs. Culombe came in and made the statements to Taborsky, he told her he didn't know what she was talking about, didn't he? A. Words to that effect, Mr. Burke.

Q. Yesterday you testified that he remained quiet and said nothing?

THE COURT: Is there a question pending?

MR. BURKE: Yes.

THE COURT: It sounded more like a statement to me. Read it, Mr. Burke.

(Last question read by reporter)

THE COURT: It still doesn't sound like a question to me.

Q. Didn't you testify to that yesterday? A. I may have.

Q. Let me refresh your recollection:

"Q. What was said?
"A. I remember her throwing her bag down - her handbag down on the floor, and she started to charge at Joseph Taborsky -"

THE COURT: Not quite so fast, Mr. Burke.

"- accusing him of causing her husband a lot of trouble.

"Q. Did Taborsky respond to that?
"A. No, he remained very quiet."

Q. Do you recall that testimony? A. I do now.

Q. He didn't remain quiet though, did he? A. It would mean the same to me, as an officer, remained quiet or denied it.

Q. Remained quiet or denied means the same to you as an officer? A. Remained quiet or denied it means the same to me.

MR. BURKE: May I have that question?

THE COURT: Read it.

(Last question read by reporter)

Q. You also testified yesterday the reason you brought Mrs. Culombe to the headquarters was to use her as another way of getting a confession? A. Yes, sir.

Q. And did you expect to use her on Taborsky, too?
A. If I could.

Q. If you could - what other means or other ways did you use on Taborsky? Did you use his mother?
A. You could interpret it that way.

MR. BURKE: Would Your Honor excuse me a moment?

THE COURT: Surely.

MR. BURKE: I think that is all.

THE COURT: Mr. Bill, is there anything further?

MR. BILL: No questions, Your Honor.

MR. McDONOUGH: I am not through.

THE COURT: How many questions, Mr. McDonough?

MR. McDONOUGH: Just a couple on his testimony on examination by Mr. Burke.

THE COURT: New matter?

MR. McDONOUGH: New matter.

THE COURT: All right.

CROSS EXAMINATION BY MR. McDONOUGH:

Q. You just testified, Lieutenant, you used Mrs. Culombe—note that—you used her—that is your own expression—to get a confession for Culombe. You also said you would have used her on Taborsky if you had to. In other words, Lieutenant, you would use that woman, to use your own expression. A. I don't think those are my exact words.

MR. McDONOUGH: May they be read back—the last few questions?

THE COURT: Indicate to Mr. MacGlashan what you want read.

MR. McDONOUGH: The last two or three questions of Mr. Burke and the answers.

THE COURT: Will you read it, Mr. MacGlashan?

(The reporter read the question—"Q. You also testified yesterday the reason you brought Mrs. Culombe to the headquarters was to use her as another way of getting a a confession? A. Yes, sir.")

MR. McDONOUGH: Stop there.

Q. You did use that expression, "to use her"?
A. Yes.

Q. You did use her, didn't you, yes or no? A. I tried.

Q. You testified in your testimony that is in the record here yesterday that Mrs. Taborsky or Mrs. Culombe threw her bag on the floor? A. Yes, sir.

Q. You testified in answer to Mr. Burke's question that she threw her bag on the table? A. Mr. Burke said she threw it on the table.

THE COURT: That may be stricken. Let him finish his question. Go ahead.

Q. The record shows, Lieutenant, that in answer to Mr. Burke's question, you said she threw her bag on the table, and you said yes, sir, now. Did she throw the bag on the table? A. I am of the opinion—

Q. Did she throw the bag on the table?

MR. BILL: He started to answer that.

THE COURT: I think he did. Go ahead and complete it.

THE WITNESS: I am of the opinion she threw the bag on the floor.

Q. That is the way you testified yesterday? A. Yes.

Q. Why did you say to Mr. Burke when he asked you that she threw it on the table? A. It meant the same thing.

Q. Different words meant diifferent things to you, Lieutenant, is that right? A. Different words often mean the same thing.

Q. Just like a moment ago when Mr. Burke inquired of you—

MR. BILL: Objection.

MR. McDONOUGH: I'm not through.

Q. When Mr. Burke inquired of you on Taborsky's reaction — the expression "remains quiet or denies it" means the same thing. Do they mean the same thing?

A. From a Policeman's point of view at a time like this I am of the opinion it does.

Q. Are you testifying as a policeman or a witness telling the facts and the conversations and the acts as they took place? A. I am testifying as a policeman and a witness and telling the truth to the best of my recollection.

Q. Then I said, "Or as a policeman or as a witness testifying to facts and conversations and words that took place", and your answer is that you are testifying as a policeman? A. And a witness to the best of my recollection.

Q. But you are testifying as a policeman?

A. Yes, sir.

Q. And you are testifying as a policeman to get a conviction in this case, isn't that true?

MR. BILL: Objection.

THE COURT: Sustained.

MR. McDONOUGH: Exception.

Q. You are not testifying, Lieutenant, as a disinterested witness, are you?

MR. BILL: Objection.

THE COURT: Sustained.

MR. McDONOUGH: Claim it, exception.

THE COURT: What is your claim for it?

MR. McDONOUGH: Because he should testify as a disinterested witness.

THE COURT: But you had a rather lengthy cross examination yesterday. I am not complaining and I will allow on cross examination what new matter you wish to bring out. Now, it seems to me you are going back into matter that is not new matter, so I will allow an exception.

MR. McDONOUGH: Your Honor, I am not examining on new matter—I mean I am examining on new matter when I examine about what Taborsky's reaction was.

THE COURT: I am not complaining about that. I am passing on this question when you go into his interest or disinterest as a witness.

MR. McDONOUGH: I am not going to pursue that further.

Q. The fact of the situation is that he didn't remain quiet? A. You are talking about the time Mrs. Culombe—

Q. Yes. A. I say what he said or did not I have no definite recollection of.

Q. He said something, didn't he? A. He could have.

Q. Page 401 of the transcript shows that you said, after the testimony about her throwing the pocketbook down: "Did Taborsky respond to that?" And your answer under oath was, "No". Did he respond? A. Not the response I expected.

Q. I will leave it that way. But he did respond?
A. If he did respond.

Q. He did respond, didn't he, Lieutenant, yes or no—never mind what you—

THE COURT: Now, please, never mind that comment. It may go out.

Q. He did respond, didn't he? A. He could have.

Q. So that when you told this Court and jury that "No" when you were asked if he responded: "No, he remained very quiet"—those are your own words—you were not telling this Court and jury the truth, were you? A. I was to the best of my recollection, Mr. McDonough.

Q. He did not remain very quiet, did he? A. I don't know.

Q. You were there, Lieutenant, weren't you? A. I was.

Q. Didn't he say something? A. He could have.

Q. Did he? A. I don't know.

Q. You were there—was your hearing good? A. I always thought it was.

Q. Well, your hearing was good that night, wasn't it?
A. I recall having no trouble with it.

Q. Do you want this court and jury to let it stand this way that you testify as a policeman and do not remember whether he made a response? A. I want them to believe I don't recall exactly what that response was.

Q. He did respond then, didn't he? A. If he did respond.

Q. You say you don't recall exactly what he responded. How is it you don't recall exactly? A. I don't have that kind of a memory.

Q. Do you have a poor memory? A. I don't think so.

Q. A good memory? A. It depends.

Q. It is important in this trial — it is important whether you have a good memory as to what happened between Mrs. Culombe and Mr. Taborsky that night.

MR. BILL: I object.

THE COURT: I will sustain the objection.

Q. See if this will refresh your recollection, Lieutenant. What did Mrs. Culombe say to Taborsky after she threw her pocketbook on the floor? A. She accused him.

Q. What did she say? A. I don't know exactly.

Q. The words? A. I don't know exactly.

Q. How long have you been a lieutenant in charge of Special Services? A. A little more than two years.

Q. This conversation only took place a matter of a few months ago and you were in charge of the investigation and you cannot remember? A. I can't remember a lot of things.

Q. You want it understood you can't remember— for the record? A. No, talking about this incident?

Q. Yes.

THE COURT: He can't answer that. If you don't understand the question tell me you don't understand.

Q. Put it this way, Lieutenant—if there was any profane language used, you might remember forceable language, wouldn't you? A. Something that might have impressed me I might remember.

Q. Wouldn't it impress you if Taborsky said to Mrs. Culombe, "What the hell are you talking to me for? I don't know anything."? Wouldn't that impress you? A. Yes.

Q. And didn't Taborsky say that? A. He could have.

Q. He could have. Didn't Mrs. Culombe begin to get excited and she was let out? A. Yes.

Q. Didn't she say to Taborsky that she was told that she was brought down to make her husband confess?
A. No, sir.

Q. What did she say to Taborsky? What do you remember she said?
A. My recollection is she told Taborsky that she came down to ask her husband to confess.

Q. Didn't she swear at Taborsky? A. She could have.

Q. She made a physical charge at him, didn't she?
A. Yes, she did.

Q. And then she referred to him and her husband in a swearing expression? A. I don't understand.

Q. Let us leave it this way, Lieutenant. When you testified that in response to Mrs. Culombe's charge or question or statements to Taborsky—when you testified yesterday—it appears in yesterday's record on page 401—that Taborsky did not respond and remained very quiet, that

wasn't the fact? A. No, I don't know whether or not it was.

Q. In other words, you don't know whether or not what you testified is the truth in that respect? A. It is the truth.

Q. Then he did remain very quiet or he did not — which did he do? A. He didn't say anything concerning this investigaton to me that made an impression on me.

Q. He did say something then, didn't he? A. I don't know—he didn't say anything that made an impression on me.

Q. We aren't interested in that. Did he say anything? A. I don't know.

Q. He might have said to her, "What the hell are you talking about?" A. He might have.

Q. But you wouldn't testify to that because you didn't remember that? A. That is right.

Q. And is it that you don't want to remember it? A. That is not so.

Q. You testified this morning you made no notes of this conversation? A. That is right, they were unimportant.

Q. The only notes you made in the entire interrogation of Taborsky or Culombe were notes when you got a so-called confession, that is right, isn't it? A. No, sir.

Q. Did you make any notes of their denials of guilt? A. I believe the reports would reflect that.

Q. Did you make any notes — I am not interested in the reports—did you make any notes of the many denials of guilt that Taborsky and Culombe made? A. I don't know.

Q. Did you make any notes at all of conversations?
A. No, sir.

MR. McDONOUGH: That is all.

MR. BURKE: May I ask two questions?

THE COURT: Yes, and I will be counting this time.

CROSS EXAMINATION BY MR. BURKE:

Q. Did you make any kind of a memorandum concerning the meeting between Mrs. Culombe and Taborsky?
A. No, sir.

Q. Wasn't the room in which Taborsky was and where you brought her wired up so that whatever went on in one could be heard or recorded? A. Yes, sir.

Q. Where is the recording? A. There was no recording made.

Q. Did someone listen in? A. No, sir—I am sorry —not to my knowledge.

Q. Well, if they had you would know it, wouldn't you, Lieutenant? A. Not to my knowledge.

Q. When they listen in do they make notes? A. It all depends. It depends on who is listening in.

Q. Were you in charge of the investigation?
A. Yes, sir.

Q. Didn't you tell somebody to listen in to this conversation? A. No, sir.

Q. Did you ascertain whether anyone had listened in?
A. No, sir.

Q. When they do listen in do they keep a record or a memorandum?

MR. BILL: Objection.

THE COURT: Sustained.

Q. If they had listened in to this conversation would a memorandum have been made?

MR. BILL: Objection.

MR. BURKE: Claim it, Your Honor.

THE COURT: Sustained. The question of whether or not a record was made is admissible, but if they did anything is not.

Q. Was a record made by the person who was listening in? A. No, sir.

Q. You are certain of that? A. Positive.

Q. Who was listening in? A. I don't know that anyone was.

Q. How do you know they didn't make a record if you don't know they were listening? A. It would have been reported to me.

MR. BURKE: That is all.

MR. McDONOUGH: I have one question.

CROSS EXAMINATION BY MR. McDONOUGH:

Q. Have you taken a memory course in connection with the testimony you have given in this case? A. I don't understand the question.

Q. All right. Do you remember a question asked of Sergeant Paige yesterday about an instruction that when you don't know the answer to a question say I don't remember? Have you gone through such a course, Lieutenant? A. No, sir.

MR. McDONOUGH: That is all.

THE COURT: Mr. Bill, anything further?

MR. BILL: No further questions.

THE COURT: You may step down, Lieutenant.

(Witness excused.)

THE COURT: Do you understand that this is the point where the jury should be excused?

MR. BILL: Shortly after the witness is on the stand, Your Honor.

THE COURT: Oh, all right.

MR. BILL: Sergeant Paige.

DONALD PAIGE, having been previously sworn was recalled by the State and testified as follows:

THE COURT: Sergeant Paige has been sworn. Sit down, Sergeant.

DIRECT EXAMINATION BY MR. BILL:

Q. Sergeant, on Wednesday, February 27th, whether or not you investigated this case further? A. Yes, sir.

Q. And whether or not you had a conference with Culombe that day? A. Yes, sir.

Q. And where was it? A. In the State Police Headquarters.

Q. And about what time? A. At 1:30 p.m.

Q. And was there anybody else with you other than Culombe? A. Not at first. After a short while Detective Murphy was with me, and later Lieutenant Rome.

Q. And what matters did you discuss with Culombe at that time?

MR. McDONOUGH: This is the 23rd, Mr. Bill?

MR. BILL: The 27th. Wednesday, the 27th.

A. We were asking his cooperation in regards to locating some guns, and so forth.

MR. McDONOUGH: May I have that question read, Your Honor?

THE COURT: Surely. Read the question and the answer, Mr. Burke.

(Last question and answer read by reporter.)

MR. McDONOUGH: Thank you.

THE COURT: Go ahead, Mr. Bill.

Q. Were you investigating all these various matters that we have spoken of here, including the New Britain matter? A. Yes, sir.

Q. And did there come a time when he made a statement? A. Yes, sir.

MR. BILL: At this point, Your Honor.

THE COURT: All right.

Q. Now, it becomes necessary for me to hear counsel, or whatever further proceedings there are, in the absence of the jury, but it being almost ten minutes of one I am going to excuse you for lunch. You will not talk about this case to anyone or allow anyone to talk to you about it. If there is anything in the papers you won't read it. Should there be anything on the radio or television you will ignore it. When you come back at two o'clock will you report directly to the juryroom, and you to the alternate room. You may now leave.

(Jury and alternates excused from the courtroom.)

(The following occurred in the absence of the jury and the alternates.)

THE COURT: You may proceed, Mr. Bill.

Q. In the course of this conference with Culombe on that Wednesday afternoon what was said toward the end of your conference there—I will withdraw the question. Did he finally make a statement to you? A. Yes, sir.

Q. And leading up to that statement what was said between you and him, if anything?

A. When we first entered the room, which was about 1:30 he and I sat down, we had a little talk, and we agreed that he was going to stop lying to me.

MR. McDONOUGH: Now, I object to this, may it please Your Honor, "We agreed that he was going to stop lying to me." It's all conclusions. I think that this ought to be conducted by what did this witness say, what did Culombe say. I move to strike out that answer and proceed on the other basis.

MR. BILL: I don't claim it, Your Honor.

THE COURT: Then it may go out and we will proceed on the other basis.

Q. Instead of saying that you agreed, will you state what was said between the two of you in the way of conversation, as approximately as you can?

A. I told Culombe that he had been lying to me right along and that instead of—when I asked him a question instead of lying to me, that he would say that he didn't want to talk about it.

Q. Go ahead. A. Then I went over various matters with him and in answer to my question he said "I don't want to talk about it."

Q. You mean by that—this is in the absence of the jury, so you can have a little more liberty, Sergeant. Were you discussing the various crimes that were being investigated at that time? A. That's right, sir.

Q. And when you spoke of matters that he didn't want to talk about, what did you refer to?

A. I was referring to different crimes that had occurred around the state.

Q. And that were under investigation? A. That's right, sir.

Q. At that time? And what did he say to that?

A. "I don't want to talk about it".

Q. No, I mean, what did he say to your proposition?

MR. McDONOUGH: That's what he said.

THE COURT: Now, Mr. McDonough—go ahead, Mr. Bill.

Q. I am afraid that you misunderstood me, Sergeant. You stated to him that if he came to something that he didn't want to talk about to say that, is that it?

A. That's right, sir.

Q. What did he say in response to that, if anything, that proposition that you made? A. He agreed.

Q. And then did you continue your discussion?

A. Yes, sir, we did.

Q. Now, did you ultimately discuss the New Britain case? A. Yes, sir, we did.

Q. The case that is now here in Court?

A. Yes, sir.

Q. And tell us what he said in relation to the New Britain case? A. I read from a piece of paper that I had, which stated that on December 15th, at six p.m. Kurpiewski and Janowski were shot and killed at Kurp's gas station on Stanley Street, New Britain, and I asked him "Were you there, Arthur"? And he said "I don't want to talk about it".

Q. Continue from there on as you remember it.

A. Well, I called in Detective Murphy at that time and I left the room for a short while and I came back in again and Detective Murphy went over the same crimes with him and received the same responses.

MR. McDONOUGH: Just a moment. Were Detective Murphy and you in the same room together?

A. Yes, sir.

MR. McDONOUGH: I didn't mean to interrupt. It was wrong on my part I know.

THE WITNESS: All three were together.

Q. You started out with you and Culombe?

A. That's right.

Q. And after he made this statement about he didn't want to talk about the New Britain affair you called Murphy in? Is it Detective Murphy? A. Yes, I called Detective Murphy in.

Q. So he joined you two? A. That's right.

Q. That made three of you? A. That's right.

Q. Did you say that he said something? A. Detective Murphy asked him questions about the same crimes I had talked to him about, and he got the same response.

Q. And had he made a reply about the other crimes?

A. Yes, he did.

Q. Prior to your reaching the New Britain crime?

A. Yes, sir.

Q. Was there anything that he did talk about?

A. I asked him about a crime that had been committed in Bridgeport and he said "I wasn't there".

Q. Is that the only crime that he commented on that you discussed at that time?

MR. McDONOUGH: I object to the form of the question.

MR. BILL: I'll withdraw it.

Q. Was there any other crime he discussed other than saying the words that he wouldn't discuss it?

A. No, I asked him about the crimes that we had in Norwalk, and he said "I wasn't there".

Q. Did you ask him about any other crimes around Hartford? A. I asked him about the Rosenthal killing.

Q. What was his reply? A. "I don't want to talk about it".

Q. Did that come before the New Britain case? In order of precedence, as you asked it? A. I don't know exactly what order that came.

Q. But you asked about that? A. That's right.

Q. And what did Sergeant Murphy say to him?

A. Detective Murphy went over the same list of crimes that I had in the same manner, and received the same response.

Q. Then what happened, if anything?

A. Shortly after that, while we were talking to him, I received some information, and as a result of this information I asked Culombe whether or not we would find the guns that had been used, under water. I asked him if we would find them in the woods and in the brook in back of his home. I told him that he had been seen walking around that area and I asked him if that was where we would find the guns that had been used.

Q. Did he reply to that? A. He said that he didn't want to talk about it.

Q. What went on beyond that? A. I accused him at that time of having committed this New Britain—or having been involved in this New Britain killing, and his response was still the same, that he didn't want to talk about it. I asked for his cooperation in finding the guns that had been used, and every time I asked him that I got the same response, that it was a hard decision for him to make.

Q. It was a hard decision for him to make?
A. That's right.

Q. To that question, you mean? A. Yes, asking for for his cooperation to show us where the guns were.

Q. Did there come a time when he made a reply to that question? A. He finally told us that we were looking for four guns, that we were looking for two people, and he also stated that he himself had done no shooting.

THE COURT: I think, Mr. Bill, we will stop here. You may escort the accused from the courtroom.

(Accused escorted from courtroom.)

THE COURT: May I see counsel at the desk, please?

(Conference at bench.)

THE COURT: Sheriff, recess until two o'clock.

(Recess at 1:00 P.M.)

AFTERNOON SESSION—JUNE 7, 1957

THE COURT: Sheriff, will you get me the alternates and the jury?

Ladies and gentlemen of the jury, I wish this could have broken a little better for you, but I couldn't tell when

I excused you for lunch that the matter going on before me without the jury would take the rest of the afternoon, but I have no desire to keep you here.

I will excuse you until Tuesday morning at 10:00 o'clock with the usual instructions, that you are not to talk to anyone about this case or allow anyone to talk to you about it; and should there be anything in the papers, and there probably will be, you will not read it; and should there be comments about it on the radio or television, you will ignore it.

When you come in Tuesday morning, you will report to the jury room and the alternates to their room.

You are now excused until Tuesday morning at 10:00 o'clock.

MR. McDONOUGH: I wonder if I could have a short recess; I want to see Your Honor in chambers.

THE COURT: Surely. Short recess.

AFTER RECESS:

(In the absence of the jury.)

(The accused were present in the courtroom.)

MR. McDONOUGH: I have a subpoena here, Your Honor, which we properly served returnable yesterday afternoon at 3:30 and was ignored. I ask that a capias issue forthwith.

THE COURT: A capias may issue.

DONALD PAIGE RESUMED:

(Last two questions and answers read by the Reporter).

CONTINUED DIRECT EXAMINATION BY MR. BILL: (In the absence of the Jury).

Q. Had anything preceded this statement, Sergeant, when Sergeant Murphy came into the room? A. When Sergeant Murphy came into the room, he went through the same list of crimes that he had. We had a sheet of paper with all the crimes throughout the county that we thought these two might be involved in.

Q. Yes, I think you testified to that, but before he made this statement about the guns, and so forth, had there been any questions and answers from Murphy to Culombe?

A. Well, Murphy had asked him about the same questions I had, but he did ask him at one time if he was in fear of Taborsky.

Q. What did he say? A. He said he was.

Q. And where did that come in relation to this conversation? A. Well, part of it was before, and part was after, and some of it was repeated again.

Q. Now, continuing from the subject about the guns and the two men, will you continue on from there? What happened? A. We were asking him to show us where the guns were, and finally he said he had thrown the guns in the water and that we would have to dig some of them out, and then he finally agreed to show us where they were.

Q. Yes. And this was all at the barracks?
A. That's right, sir.

Q. And what did you do when he agreed to show you where they were? A. We went to Lieutenant Rome — myself and Detective Murphy and Detective O'Brien and accompanied Culombe to his home on 20 Coleman Drive.

Q. What car did you go in—the State Police car?
A. The State Police cars.

Q. Who was in the cars? A. Murphy, O'Brien, Lieutenant Rome, Culombe and myself.

Q. And whether or not you know whether Detective O'Brien took any notes at that time? A. He did.

Q. And can you tell us substantially what was said in the car between Culombe and any of the officers, if you can remember? A. Well, Lieutenant Rome was asking him about the New Britain shooting.

Q. Go ahead. A. Well, there was a period of about ten minutes or so between the time we left and got to Culombe's house.

Q. And Detective O'Brien was taking notes?
A. He was.

Q. And did you ultimately get to Culombe's?
A. Yes, we went to Culombe's house.

Q. Where was that? A. 20 Coleman Drive.

Q. In the south part of the city? A. Yes, sir.

Q. What did you do when you arrived there?
A. We went up to his home.

Q. Did you all go in? A. Yes, sir.

Q. Was there anybody there when you arrived?
A. Mrs. Culombe was there.

Q. What happened when you got in the house?
A. Culombe went into the bathroom and showed Lieutenant Rome—I was present, and there was a photographer present from the State Police barracks—and showed him where he had some guns and a blackjack he had in back of a medicine cabinet in the toilet. He had removed the medicine chest, and inside was a bag which contained a gun and two blackjacks.

Q. Did Culombe say anything to you at that time or later on questioning by you as to when that was put there?
A. Yes, he said that at the time I came to the house

the first time—he says, "I had those guns there", and that he had hidden the guns he had given me after in the cat box in the toilet.

Q. I think you said you had heard a metallic sound when you went there before? A. Yes.

Q. And did you check him on that? A. That is the time he was putting the guns away in back of the medicine chest.

Q. Did the medicine cabinet have to be removed to locate the guns? A. Yes, I believe there were two screws holding it in place.

Q. What kind of guns were these? A. I don't know. There was one gun there and a couple of blackjacks, and Lieutenant Rome took them into possession.

Q. What else happened? A. Then we had Culombe open up the safe again, and Lieutenant Rome looked through it and took a couple of gun clips along with a couple of parts of other guns from it.

Q. Anything else happen there that you remember? Did you go outside the house into the field at all?

A. Yes, when we left the house we went over to Dexter Street.

Q. With whom? A. Culombe directed us over there.

Q. Where is Dexter Street in relation to Culombe's house? A. Just a short distance away.

Q. What do you mean by that? A. It only took us a few minutes to get up there.

Q. Two or three blocks away—five or ten minutes?

A. It took us two or three minutes to reach there.

Q. You walked? A. No, we drove.

Q. Did everybody go over there? A. Yes, sir.

Q. That was in the car on the way down to his house? A. Yes, sir.

Q. The officers you named and Culombe? A. That's right.

Q. And at what point did you arrive at? A. We stopped on Dexter Street and there was a pond.

Q. Was that at the direction of Culombe? A. Yes, sir.

Q. And what did you find? A. He told us in this small pond we would find two guns that had been used in New Britain.

Q. And was that search made at that time? A. Not for the guns.

Q. And was anything else mentioned by Culombe at that time? A. Yes, there was another pond attached to to this first one and he directed us to this place—that is, we drove around in back of it sort of, and he showed us and told us he had thrown a coat in there because it had blood on it.

Q. Was that recovered at that time? A. Detective Murphy was able to pull out this coat which was in a tight package by standing on a limb and pulling it out.

Q. Did you know anything about that coat?

MR. McDONOUGH: I object. The coat is the best evidence.

Q. Did somebody take possession of the coat? A. Yes, sir.

Q. Who, do you know? A. Murphy.

Q. He is the man who found it? A. That's right.

Q. Was anything else done or said down there at

Dexter Street or at the house? A. Yes, we went back to the house, and down in the cellar of the house there was a big long chest, and he told us he had a few parts of a gun in there underneath wrapped in a package, and we were able to lift it up by using boards and a sort of pulley effect, because it was a very heavy item, and underneath that there was a package with a gun in it.

Q. Who took possession of that, if you remember?
A. Lieutenant Rome.

Q. Anything else then at the house that was said or done that you remember? A. No, sir, not at the house.

Q. Did you ultimately leave the house? A. Yes, sir, we left the house and drove over to Chandler Street.

Q. Where is Chandler Street, in Hartford?
A. Yes, sir, about a block or so away from the house.

Q. Is that toward Dexter Street or the other way?
A. It would be to the left of the project; Dexter Street is to the right.

Q. Did all of you go? A. Yes, sir.

Q. And what did you find when you got there?
A. He showed us a brook running—

Q. When you say "he", you mean Culombe?
A. Culombe showed us a brook which runs under Chandler Street, and he said that he threw some of the victims' pocket books and bill folds and keys into the brook.

Q. Did he name the victims—I don't mean by name, but you had several matters you had under investigation, had you not? A. Yes, sir.

Q. Did he speak of what episode this was?
A. If my recollection is right, he said he thought the bill folds were from the New Britain job there.

Q. At that time was any search made for those?
A. Very little search. I went out and looked for a while.

Q. A search was made later? A. Yes.

Q. What happened after that, if anything? A. We drove over to Hymie Borden's Auto Sales on Main Street, Hartford.

Q. By whose direction? A. Culombe's.

Q. And before you went there he gave you the direction. A. Yes.

Q. Was some matter discussed? A. A matter of a car.

Q. Whose car? A. Culombe's.

Q. Give us the discussion leading up to it.
A. I don't remember the exact words.

Q. Well, substantially, if you remember it—tell us the discussion. A. He told us he had used a 1949 Oldsmobile colored black on the New Britain job and brought us over to Hymie Bordens to show us that car.

Q. And you went there? A. Yes.

Q. And a car was pointed out to you? A. Yes, sir.

Q. By whom? A By Culombe.

Q. Did you talk with the owner of the station?
A. No, I didn't.

Q. And did the description Culombe had given you down in New Britain before you started over to Borden's correspond with the car you ultimately found there that he pointed out to you? A. Well, we hadn't been to New Britain.

Q. I am sorry—down at Culombe's house.
A. That was the car that answered the description.

Q. And after being at Borden's place and having seen the car, what did you do then? A. He also indicated at Borden's—he said he had also thrown some other wallets in a stove there.

Q. And what else? A. I don't remember whether we came back to the barracks at that time or went over to East Hartford.

Q. Did you sometime go to East Hartford? A. Yes, in back of a trucking company he indicated a spot where there were some keys or wallets were supposed to have been thrown.

Q. Was anything found there? A. I didn't search at that time.

Q. In connection with what episode was that, if you remember? A. I believe that was in the Cohen killing in East Hartford.

Q. Are you clear yet when that trip took place—in the sequence? A. No, I am not quite sure about that. I don't know whether we went to East Hartford at that time or at a different time.

Q. Ultimately where did you arrive? A. We came back to the barracks.

Q. And was there any further talk there at the barracks with Culombe by you or anybody? A. That is the time we sat down and he started to give us the written confession.

Q. Were you there? A. Yes, sir.

Q. About what time was this, do you remember? Was it in the afternoon or evening? A. No, it was in the evening—after supper.

Q. What time had you returned to the barracks, if you remember? A. I am not quite sure of that.

Q. Before supper or after—did you eat on the way or after you got to the barracks? A. I can't remember, sir.

Q. Now, you say that a statement was made at that time? A. Several of them.

Q. Well, a written statement? A. That's right.

Q. There weren't several of those, were there?
A. There was a statement for each crime.

Q. Yes. In other words, these various crimes that were being investigated were kept separate? A. That's right, sir.

Q. And was there a written statement and a confession as to the New Britain murder? A. There was.

Q. And were you present when it was made?
A. I was.

Q. Did you witness it? A. I did.

Q. You didn't actually witness it with your signature, did you? A. I believe that I did.

Q. Do you think that you would recognize it if you saw it? A. Yes, sir.

Q. That is, the statement itself? Refreshing your recollection, looking at the statement there, what is that?
A. That is the statement of Arthur Culombe.

Q. That is the so-called confession of the New Britain matter? A. The first one.

Q. And does your name appear there actually as a witness? A. It doesn't on this copy.

Q. Are you familiar with the contents of that confession? A. I believe so.

Q. At any time before this confession—that is withdrawn. Was this signed by Culombe in your presence?
A. Yes, it was.

Q. Was it read to him? A. It was read to him and then he signed it.

Q. And was that true in each case? A. Yes, sir.

Q. The different episodes? At any time leading up to this confession in which you took part did you or anybody else in your presence make any promise of reward or immunity? A. No, sir.

Q. Did you put Culombe in fear? A. No, sir.

Q. Did you use any force? A. No, sir.

Q. Or compel him to sign this? A. No, sir.

Q. Was Columbe cooperative all through these proceedings from the time that you described since you have now been on the stand, describing the interview of Wednesday afternoon, on through?
A. Yes, sir. Once he started talking he told us everything that he knew.

MR. BILL: Your witness.

THE COURT: Mr. McDonough.

MR. McDONOUGH: May I see that, Mr. Bill?

MR. BILL: Yes, perhaps we ought to have that marked for identification, Your Honor.

THE COURT: All right. State's Exhibit Z for identification.

(Statement of Arthur Culombe, marked "State's Exhibit Z for Identification" in Case No. 21666).

CROSS EXAMINATION BY MR. McDONOUGH:

Q. Showing the witness State's Exhibit Z for Identification, Sergeant, how many copies were made of this statement?

A. There was either four or five.

Q. Is this a copy or is that the original? A. That looks like the original.

Q. Where are the copies, if you know? A. I suppose they are at the barracks.

Q. In the hands of the State Police? A. I believe so.

Q. This statement, who was it typed out by?

A. Detective O'Brien was typing it.

Q. Was this statement typed out—when was it typed out? A. It was typed out at the time that we were talking to Mr. Culombe.

Q. Tell us the manner in which it was done?

A. Well, Lieutenant Rome would ask him a question and then try to put it in a form as it was followed so that you could understand it when he got through.

Q. In other words, this isn't the statement of Arthur Culombe, is it? A. This is the story as told by Arthur Culombe.

Q. But not in the words of Arthur Culombe?

A. No.

Q. These are the words of Lieutenant Rome as taken down by Detective O'Brien? A. Yes.

Q. So it isn't the words or the language of Culombe, is it? A. No.

Q. Now, how long did it take to make this statement up? A. That particular one, or all of them?

Q. No, this particular one. This was the first one, wasn't it? A. No. That, I believe, is the last one.

Q. The New Britain one was the last one? A. Yes.

Q. Have you any idea how long it took to make this New Britain statement up?

A. I think about a half hour.

Q. Well, for the purposes of the record, this State's Exhibit Z, for Identification is a statement relating to the New Britain crimes that are charged in this indictment?

A. That's right, sir.

Q. Now, you told His Honor that at any time leading up to this confession, so-called, that it was free of force, promises, threats or putting in fear of Culombe, is that right? A. That's right, sir.

Q. Now, at the time that this statement was taken by Detective O'Brien or written down as given by Lieutenant Rome, who was in the room?

A. O'Brien, Lieutenant Rome, myself and Matus.

Q. Now, this statement, State's Exhibit Z, was given about what time at night? A. That was 12:30 a.m.

Q. After midnight? A. That's right.

Q. He had been under questioning how long that night? A. Well, he had been giving the statements most of the evening.

Q. Well, from shortly after supper, let's put it that way.

Q. I am a little confused as to what time we actually started. I know it was in the evening because it was dark when we got back.

Q. What time did you get back to the barracks, approximately? A. It was after supper. I believe we had

our supper out near Hymie Borden's place. It must have been somewhere around eight o'clock.

Q. About eight o'clock at night? So these statements dictated by Lieutenant Rome and signed, as you say, by Arthur Culombe, took about four and a half hours?

A. That's right.

Q. And there was Detective O'Brien there, Lieutenant Rome? Was Detective Murphy there?

A. No, I don't believe so.

Q. Was Mrs. Mercer, a policewoman, in the room at any time? Is that the name? A. Murtha.

Q. Murtha, was she in the room at any time?

A. No, I don't remember seeing her.

Q. Well, this evening affair started from the questioning that commenced in the afternoon, of Culombe, didn't it?

A. That's right, at 1:30.

Q. And as a matter of fact, Sergeant, when the phrase used by the State's Attorney in his question to you, at any time leading up to this confession, that phrase, as a matter of fact, covers all of the investigation from the time of the first questioning of Culombe, isn't that right? A. I don't quite understand your question.

Q. All of the questioning of Culombe, from the time that he was taken into custody was with the object in view of obtaining a confession if a confession was obtainable, that is true, isn't it? A. That is correct.

Q. So that necessarily would include all the questioning of Culombe, wouldn't it? The others weren't just merely friendly conversation about the weather, the ones on Monday night? A. No.

Q. Or Monday afternoon? They were all related to

this, weren't they? A. They were all related to all the crimes.

Q. When Culombe signed this piece of paper, State's Exhibit Z, it was after a period of questioning on and off for hours at a time from Saturday afternoon until after midnight on Wednesday, isn't that so?

A. We had talked to him from the time that we picked him up, off and on, until that time. Yes, sir.

Q. Now, Culombe was rather a sorry sight physically at the time that he signed this statement, wasn't he?

A. No. As a matter of fact he looked ten years younger.

Q. We won't talk about his youth or his age, though we may get around to it. Lieutenant Rome testified yesterday about Culombe being a sorry sight. Did you see him when he was a sorry sight?

A. As far as his clothing went I would say yes.

Q. Well, as far as his face went and the expression on it? A. He was tired, yes, sir.

Q. He was tired? He had been through quite an ordeal, hadn't he? A. That's true.

Q. He had cried at one time, hadn't he? A. He had sobbed.

Q. And when was that? Monday afternoon? A. No.

Q. When was it? A. Tuesday night, just before we went—before he was brought back to jail. I had gone down the cell with him and he had just been talking to his wife, and I started asking him a few questions and I saw that he wouldn't answer any, so I just stayed with him for a while and when I asked him questions he said he didn't want to talk about it, or didn't want to talk, and that was all.

Q. After the episode of Tuesday night involving his wife he had sobbed, hadn't he? He had. You said that?

A. Let's leave it that way.

Q. Well, how about the crying Monday afternoon? Didn't he cry Monday afternoon? A. No, sir.

Q. Didn't he ask to see Mr. Bill? A. No, sir.

Q. Didn't Mr. Matus later come over to the State Police barracks? Mr. Matus was sent for wasn't he?

A. No, sir.

Q. Didn't Mr. Matus come to the State Police barracks? A. Oh, he had been there off and on all the time.

Q. Did he remain there on Wednesday afternoon?

THE COURT: Wednesday.

Q. Wednesday afternoon or Wednesday night?

A. He was there Wednesday night.

Q. Was he there at the time that the confessions were signed? A. I believe so.

Q. Isn't it a fact that Culombe said he would not make any statement unless Mr. Bill was present? A. No, sir.

Q. And then didn't Lieutenant Rome leave the room and go downstairs and do some talking and come back and say that Mr. Bill could not be located, but they would send Mr. Matus over? A. No, sir.

Q. Wasn't there some talk on the part of Culombe that he wanted somebody from the State's Attorney's office there to see that he got a square deal? A. No, sir.

Q. Mr. Matus did arrive, didn't he? A. That's right.

Q. Didn't Culombe say to you men, after he found out that Mr. Bill could not be located, that he wanted Mr. Rear-

don, as Mr. Reardon was a square shooter and he would rely on anything that he did? A. No, that isn't true.

Q. He did not say that? A. No, not the way you—

Q. Did you contact Mr. Reardon? A. I didn't. No, sir.

Q. Do you know whether or not he was contacted?
A. No, I don't know.

Q. Mr. Reardon didn't come over there anyway, did he? A. No. Mr. Matus was there.

Q. Now, you, I think, and I know Lieutenant Rome, have only told us about one night that Mrs. Culombe was there and he said she was used. That was Tuesday night. She was there on another occasion than Tuesday night, wasn't she? A. She was there the day that you came to headquarters.

Q. That was after the so-called confessions were signed, when I came to headquarters?
A. That is right.

Q. That was after the goose was cooked, as you fellows would put it, when I came, wasn't it?

MR. BILL: Objection.

THE COURT: Well—

MR. McDONOUGH: I will withdraw it.

Q. I came long after these papers were signed, didn't I? A. That is true.

Q. After I was appointed by this Court?
A. That's right.

Q. After you had confessions and your work was over? A. That's right.

Q. And she was there on several occasions before that day, wasn't she? A. I don't remember seeing her.

Q. She was there, wasn't she, on Monday as well as Tuesday, is that so?

A. No. The only time that I remember seeing her there was Tuesday night.

Q. As a matter of fact hadn't she been brought back and fourth, and the daughter brought back and forth to State Police barracks for several days prior to Tuesday night? A. Not that I know of.

Q. Weren't you in the room at one time when a fourteen year old girl was brought into the room and used to talk to her father to induce a confession?

A. I saw his daughter there on Tuesday night.

Q. And she spoke to her father, didn't she?

A. She spoke to her father that night.

Q. What did she say to her father? A. I don't know.

Q. You were there? A. I was not there.

Q. The child was all upset, wasn't she? A. Not that I know of.

Q. Well, she wasn't perfectly composed, was she, Sergeant, a little child in police headquarters?

A. We had a policewoman sitting with her, entertainher, if I remember right.

Q. What was the entertainment? A. Sitting there talking to her.

Q. Why bring a child to the State Police barracks to to be entertained? A. I can't answer that.

Q. Who kicked Culombe in the side? A. I don't know.

Q. You were present, weren't you, Sergeant, when he was kicked by Lieutenant Rome? A. No, sir.

MR. BILL: Objection, Your Honor.

Q. Sergeant—

THE COURT: I will allow it.

Q. Do you recall being in a room with Lieutenant Rome and Culombe and possibly another detective, sitting in chairs, talking, Monday afternoon? A. Yes.

Q. You were? The four of you? Was Detective Murphy there? A. No.

Q. Who was there? Lieutenant Rome, Culombe and yourself? A. Yes.

Q. Anyone else? You were questioning Culombe, weren't you? A. That's right.

Q. Where was Lieutenant Rome sitting in relation to Culombe? A. He was sitting in front of him.

Q. And where were you sitting in relation to Culombe? A. Alongside of Lieutenant Rome.

Q. And didn't Lieutenant Rome, when he got another denial from Culombe, raise both his feet and drive them into the side of Culombe? A. No, sir.

Q. Didn't Culombe cry that afternoon? A. No, sir.

Q. Well, Culombe didn't sign any statement that afternoon, did he? A. Yes, he did.

Q. He did? On Monday afternoon?
A. That's right.

Q. Where are the statements? A. We have it over at State Police Headquarters.

Q. Confessions? A. In regards to a theft.

Q. In regards to a theft? What was the theft?
A. Of canned goods from his place of employment.

Q. There were canned goods found in his cellar, weren't there? A. They were found there in his possession.

Q. And he was questioned about that, wasn't he?
A. That's right.

Q. And you accused—or Lieutenant Rome in your presence, told Mrs. Culombe she could be arrested for having those stolen canned goods in the house, didn't he?
A. I didn't see Mrs. Culombe.

Q. Do you know whether or not she was told about the stolen canned goods in the house? A. No, I don't.

Q. You don't? When did he sign the statement about the canned goods? Monday?
A. I believe so.

Q. Mrs. Culombe was there on a Monday or a Sunday, wasn't she, and the day before?
A. I saw her on Tuesday evening and I saw her on Wednesday—went over to the house.

Q. Did you know about the canned goods being found in th cellar? A. Well, there were canned goods that were brought back to the barracks.

Q. Who brought them back? A. I don't remember what officer.

Q. Did you people get a doctor for Culombe?
A. Not that I know of.

Q. He needed a doctor, didn't he? A. No, sir.

Q. Did anyone shout out "Get a doctor for this man" —referring to Culombe? A. I never heard anybody.

Q. You never heard any such statement?
A. No, sir.

Q. Well, Culombe was crying and sobbing on one occasion? A. He was upset when I asked him a question and couldn't answer, so I shut up.

Q. Up until Wednesday afternoon, say until the middle of the afternoon, he said he wouldn't discuss the New Britain matter, didn't he? A. I hadn't talked to him about anything.

Q. Well, you began a conversation, didn't you, by talking about New Britain to him—you didn't want him to tell you any lies? A. That wasn't especially New Britain, that was on the entire case.

Q. And he told you he didn't want to talk? A. That isn't what happened at all.

Q. Didn't he say he didn't want to talk?
A. No, sir,

Q. What did he say? A. In answer to my request that he not lie anymore, he agreed, and I asked him in answer to my question, rather than make any lie, to answer —"I don't want to talk about it".

Q. And he did say that? A. Yes.

Q. And he did so a number of times? A. Yes, he sure did.

Q. He sure did. By that you mean a great many times? A. Everytime a crime was mentioned I said that to him.

Q. Didn't you hear him make any of the statements that Lieutenant Rome put in this statement? A. That was later that evening, but as far as an actual confession, when? When I asked him these questions, whether it was

Rosenthal or the Cohen, or whether he was in New Britain, and he said, "I don't want to talk about that", that was my answer.

Q. How long did he continue to say that? A. Well, I started talking to him at one-thirty and it was just a short while afterwards that I took this piece of paper with all the different crimes on it and asked him these questions. Murphy came in and repeated the same thing and we were out of the barracks by half past three that afternoon.

Q. Well, how long did he keep that up—saying he didn't want to talk about it? A. Everytime we would ask him a question and ask him if he was there and he would say he didn't want to talk about it.

Q. How long a period of time did that take to give that answer? A. What answer?

Q. "I don't want to talk about it"? A. Three quarters of an hour.

Q. And he had been doing that in addition to denying it for days up to that point, hadn't he? A. Well, that wasn't a denial, Mr. McDonough.

Q. Well, he said he had nothing to do with them, didn't he? A. No, he said rather than lie—he said "I don't want to talk about it", which was telling me that he was involved in the crimes.

Q. That was your conclusion? A That was the conclusion between us.

Q. He never said any such thing that you just said —that is a conclusion of yours—that is what you are assuming? A. That is what I knew.

Q. That is what you knew he was involved in—he didn't tell you he was involved in any of those crimes?

A. But I knew that was the answer without his actually saying yes.

Q. Isn't that an assumption you drew? A. That was the knowledge I received from his acts.

Q. That is what you drew? A. Yes.

Q. Did he say that he shot or was with a man who shot somebody in New Britain? Did he say that to you Wednesday afternoon? A. Yes.

Q. Tell us his exact words. A. It was during the time we were riding from the State Police barracks—

Q. Let us stay in the barracks—it's February—it's cold outside. Tell us what he said to you in the barracks. A. He didn't say that in the barracks.

Q. Tell us what he said. A. Your Honor, it is hard for me to answer that question covering the whole period.

Q. Just about New Britain. A. When I asked him —Your Honor, can I refer to this note I have here?

THE COURT: Is it because you don't have a recollection?

THE WITNESS: No, this is exactly what I wrote out.

THE COURT: I don't know. Do you have any objection?

MR. McDONOUGH: If he states he doesn't recall and needs to use it.

THE COURT: He didn't say that so perhaps we had better not use it.

Q. What did he say to you on Wednesday afternoon, February 27th about the New Britain crime while you were in the office at the barracks? A. I read this paper and on this paper it says, "December 15, 1956, approximately

6:05 P.M., Kurp's gas station in New Britain". I don't know Janowski's first name or Kurpiewski's—"was shot and killed". And then I said to him, "Arthur, were you there?"

Q. What did he say? A. He said, "I don't want to talk about it".

Q. What else did he say? A. That is all he said as far as the confession is concerned.

Q. That is all he said about New Britain in the barracks or headquarters on Wednesday afternoon. That takes care of the barracks, does it? A. No, sir.

Q. About the New Britain crime? A. You will have to give me time to think exactly what did happen.

THE COURT: All right, take your time.

THE WITNESS: No, before we left there he said we were looking for two guns, and I believe at that time he said two of these guns were the ones used in New Britain.

Q. Are these his exact words? A. No, I can't quote his exact words.

Q. Didn't he say something about two guns and two men that you had? A. Oh, yes, we were talking about all the crimes, not just New Britain.

Q. When did he say something about the guns in New Britain—what time was that? A. I think that was just before we left.

Q. Then he was talking about New Britain, wasn't he? A. I think at that time he said—there was one gun used in Hartford County and one gun used in New Haven County.

Q We are talking about New Britain. A. Well, I am trying to think.

Q. Don't think out loud. It might be inadmissible what you are thinking. A. I don't remember what else he said about New Britain.

Q. Did you know what led up to that remark you just told us about New Britain—had you asked him something? A. I just don't follow your question.

Q. Well, did he make that answer in reply to anything that was said to him? A. I don't understand the statement you are referring to, Mr. McDonough.

Q. Will you repeat what he said about the guns in New Britain at the barracks? A. About the New Britain guns?

Q. Yes, while you were at the barracks before you left the barracks. A. I don't remember whether he said it in the barracks or on the way over—those are the two guns we found on Dexter Street.

Q. Then you could be wrong? A. I could be wrong as to when he told us that.

Q. That is what I want to get at. We can leave the barracks later, but the only thing is—he made no statement about New Britain. He was still at the point where he said he did not care to talk about it? A. Oh, no. He had agreed to show us the guns at that time.

Q. When did he agree to show you the guns?
A. Before we left the barracks.

Q. When before you left the barracks? A. Maybe four or five minutes before.

Q. All right, we are getting up to four or five minutes before you left. Tell us his exact words. A. I don't remember his exact words.

Q. You can't tell us as to his exact words?
A. No, sir.

Q. You are just telling us that you had some information you thought you had gained—that is what it amounts to—you didn't get any statement from him, written or verbal, before you left the barracks? A. Yes, he said he was going to show us a gun used in Hartford County and in New Haven County and he said the gun would be at his house.

Q. And that is all he said—that completed his statement? A. I believe so. We were talking mainly about where the guns were at the barracks.

Q. Now, tell His Honor what induced him to make that statement? A. Well, he had told me we would find the guns under water. He said that we were looking for two men when Murphy asked him if he was in fear of Taborsky.

MR. BURKE: I am going to object to this.

THE COURT: I don't see why, it doesn't involve Taborsky's case.

MR. BURKE: He says he was placed in fear of Taborsky.

THE COURT: This is on a question of the preliminary hearing on the question of whether or not this confession, so-called, will be admitted and if it is to be admitted at all it will be admitted in the Culombe case, and none of the evidence here will come into the Taborsky case before the jury. I don't see where you have any standing to make an objection in this matter.

MR. BURKE: May I enter the objection on the basis of the case of State against Castilli, in the 92nd Conn., and the statement I am talking about—"Statements made by one or another party involved are not admitted against the other party, and the jury was instructed not to consider it as against the other."

THE COURT: There's no question about that. This isn't before the jury. It is on the question of whether or not the Court will admit or reject an alleged confession in the case of State agianst Culombe. You may note the objection, but I don't think you have any standing on it.

MR. BURKE: May I have an exception?

THE COURT: You certainly may.

MR. McDONOUGH: May I have the last question?

(The reporter read the last question.)

A. He said he was in fear of Taborsky who had threatened to kill him if he talked, and then I asked him again to help us locate the guns and clean up the whole thing, and I had stated to him if we found the guns it would save us a lot of work if he would tell us where they were or it was.

Q. Up to that time he had refused to save you any work or anything at all, he hadn't cooperated, had he?

A. He was cooperating.

Q. From what time on? A. From the time I first started talking to him.

Q. When was that? A. When we sat down at one-thirty.

Q. On Wednesday afternoon? A. That's right.

Q. But up until that time he hadn't cooperated?

A. Not as far as these killings went.

Q. Do you know what induced him to cooperate, as you call it, all of a sudden when for days he hadn't done it?

A. I think he was tired of lying about it anymore so that he was ready to get it out of his system.

Q. Those are your thoughts—that is what you think. Can you tell us about any statement or act by anyone that you know of that induced him to? A. No, sir.

Q. You don't know whether or not he had been worn down by the proposition of having his wife in and out of State Police quarters and having a witness in there as far as she was concerned, do you? A. No, sir.

Q. You don't know whether or not it was because of the fact that an attorney he had asked for—any attorney—had been declined to him and that he was still held in custody and subjected to questioning—that that induced him to cooperate, as you call it?

MR. BILL: Objection.

THE COURT: I will have to sustain that.

Q. Don't you believe now that you are talking about what is belief and thinking? You think, you said, because he got tired of lying. I will ask you if you don't think he got pretty well discouraged being held without counsel or friends in your Police Station for five days induced that as well as your own thinking? A. No, sir, I don't think that.

Q. You think he was quite happy over the treatment he was getting over there? A. Well, I treated him, to use his own words, like a father.

Q. You treated him like a father? Why didn't you get a lawyer for him when you knew he wanted a lawyer?
A. I didn't know that.

Q. You didn't know that? A. He didn't ask me for a lawyer.

Q. You heard Lieutenant Rome mention that he asked for a lawyer Saturday night? A. He may have asked him but he never asked me.

Q. He asked for a lawyer the day he was brought to New Britain, didn't he—you know that, don't you?
A. Which day?

Q. The Tuesday morning he was brought to New New Britain, and before then? A. No, I didn't, I wasn't there.

Q. You were treating him like a father—why didn't you take care of him to get a lawyer to take care of his constitutional rights? A. I didn't say I was treating him like a father—I said he said that.

Q. Do you know any reason why he should have considered that you treated him like a father? A. Only that I treated him with kindness.

Q. So your treatment was so exceptional as compared to that of the others? A. I don't think so.

Q. Didn't he feel the same way toward every one of the Officers? A. All I know is that he made that remark.

Q. You didn't ask him if he wanted a lawyer?
A. No, sir.

Q. You are sure, Sergeant, that Lieutenant Rome said that this fellow wants a lawyer, but let him wait?
A. I didn't say that.

Q. You are sure—you were in the room—that he didn't say he wanted the State's Attorney of this County, Mr. Bill? That is important. A. He said that he wanted Mr. Bill to see his statement.

Q. Well, he didn't mention wanting to see Mr. Bill?
A. That isn't what you asked me before.

Q. He did mention Mr. Bill? A. He said he wanted Mr. Bill to see his statement.

Q. He said he wouldn't give a statement until Mr. Bill was present there, didn't he? A. He did not.

Q. You and Lieutenant Rome—and I won't go into what Lieutenant Rome said—but you had no intention of

getting Mr. Bill over there to get a statement or to observe what you were doing? A. That is not what was asked for.

Q. Isn't it a fact that you didn't want the State's Attorney of Hartford County, Mr. Bill—you didn't want him to know what was going on over at the barracks while you were questioning Culombe? A. No, sir, that never was in my mind. There was nothing we were ashamed of.

THE COURT: Well, never mind. Start another question.

Q. Coming to the fact—what you should be ashamed of. When did you first make a report that got into the hands of the State's Attorney of this County, Mr. Bill? A. A written report? I wrote my report when the case was finished.

Q. Here is a murder investigation—and an atrocious murder—the public is aroused about it? A. Yes.

Q. You have a man across the street from the State's Attorney's office without the benefit of counsel, without being arraigned in court, that was demanding a lawyer, and you didn't consult the State's Attorney, did you?

MR. BILL: Objected to.

THE COURT: Sustain the objection. I don't see the purpose of it.

MR. McDONOUGH: The purpose is to go along and bear out what we are endeavoring to prove. We will do it through testimony that this confession was beaten and brow beaten out of them and that the State's Attorney didn't know what was going on or it never would have happened.

THE COURT: You know that the way to prove it is by evidence, and the mere fact the jury isn't here shouldn't make the procedure any different.

MR. McDONOUGH: I know the jury isn't here and that is why I want to make these statements to Your Honor.

THE COURT: I don't see the point of it. It isn't in the evidence and it hasn't been established and I won't consider it.

MR. McDONOUGH: May I call your Honor's attention —the purpose of my attitude now is because I claim it is being borne out now in the examination of this witness as it was borne out on his testimony before the jury—that things have to be dragged out of him. I claim I have the right to try to elicit from him that demand was made for Mr. Bill. I will show evidence of that. If I can show Your Honor that this witness is not telling you the facts, then it might have influence on Your Honor in admitting the confession.

THE COURT: I will note what you have said so far, but I don't see how the Court is going to be helped by any of this. There is no evidence on it in court.

Q. How many times was Mr. Bill's name mentioned during the interrogation of Mr. Culombe in obtaining the so-called confession? A. That was the only time it was mentioned.

Q. Culombe mentioned it. Who did he address the remarks to?

A. I think we were all in the room at that time.

Q. And he said he wanted Mr. Bill to see the statement? A. When he made it.

Q. And when did he say that? A. I don't remember whether it was before we left the barracks that time or before he gave me the statement.

Q. It is important. I will give you a little more time to think. A. I think it was before he gave it.

Q. How long before? A. I can't answer that. I'm a little confused.

THE COURT: Only give your best recollection, Sergeant.

A. I don't remember whether it was just before we left for New Britain or when we came back. The more I think of it, I think he said he wanted Mr. Bill to know what he was doing.

Q. That's fine. We'll go on from there. He wanted Mr. Bill to know what he was doing, Sergeant. What was said in answer to that request, he wanted Mr. Bill to know what he was doing, if anything?

A. I think he was told that Mr. Bill would be told about it or be shown the statement. I'm not sure which.

Q. But he said he wanted Mr. Bill to know what he was doing. Did you or anyone that heard that request convey that message to Mr. Bill? A. I didn't.

Q You did not? Did you make any attempt to?

A. No, sir.

Q. But you know he made that request? Now, was that statement taken—marked State's Exhibit Z for identification—after that request was complied with by letting Mr. Bill know? A. I don't understand your question.

Q. Culombe made it a condition through that request, of the statement that he would sign, that he wanted Mr. Bill to know what he was doing. Now, that's a condition he attached, isn't it? A. No, sir; that wasn't a condition.

Q. This State's Exhibit Z for identification was taken without complying with that request, isn't that so? "Yes" or "No"? A. I think in answer—

Q. I don't want any thinking.

THE COURT: All right, if you can't give a "Yes" or

"No" answer, say you can't. A. I can't.

Q. You can't give a "Yes" or "No" answer? Do you know whether this statement that I hold in my hand, marked State's Exhibit Z for identification, do you know when it was first shown to Mr. Bill? A. No, I don't.

Q. How long did that statement remain in the State Police barracks after it was signed by Culombe?

A. I don't know.

Q. Who had charge of it? A. Lieutenant Rome.

Q. But there's no question in your mind, Sergeant—and I want this definite for the record—that before he signed this statement, or before he talked, from which the statement was made, he said he wanted Mr. Bill to know of that statement, is that true? A. Would you repeat that, so I can get it?

THE COURT: Read it, please, Mr. Burke.

(Last question read by reporter.)

A. It was not a condition that he gave us. It was a request that he made.

Q. That's what I'm saying. A. That's right. That's right.

Q. That's the request he made? A. You are absolutely right.

Q. Whether you regard it a condition or not, it was a request? A. That's right.

Q. There's no doubt about it? A. You're right.

Q. And that was after he came back from New Britain or before he left for New Britain, or Coleman Drive?

A. Now you've got me. I don't remember. I am under the impression it was afterwards, because—

Q. How long a period of time was consumed between his leaving the barracks, his coming back for supper, and the beginning of the interrogation? An hour? Two hours?

A. It must have been three or four hours.

Q. Three or four hours? What time did you leave for New Britain? A. We didn't go to New Britain.

Q. Well, Coleman Drive? A. I believe it was three-thirty; somewheres around that

Q. Three-thirty? In that neighborhood? A. That's right.

Q. And you began to take the statement about eight o'clock; right? A. I believe it was around there.

Q. Has this statement been altered since it was signed by Culombe—what is referred to in the statement? Has there been any change in this since the signature of Arthur Culombe was placed on it? A. I don't know.

Q. The statement that he— You don't know?

A. No, I don't know. I hvaen't even read that statement.

Q. You have seen this statement? A. I was shown some paper with the date and time on there, and the case.

Q. You identified it. Is this the statement that was taken— A. That's his signature on there. I didn't read the whole statement.

Q. Well, suppose you read it? A. Thank you.

THE COURT: Have you finished?

THE WITNESS: Yes, Your Honor.

Q. Is that the statement, Sergeant Paige?

A. That's right, sir.

Q. And is that the statement that you saw typed out?
A. That's right, sir.

Q. You saw it being typed? A. That's right.

Q. And who was typing it? A. Detective O'Brien.

Q. Did you see it signed? A. Yes, sir.

Q. Was it signed just in the shape it is in now?
A. To the best of my knowledge, yes.

Q. It was a typewritten statement? A. That's right.

The only writing on it was on the back page, "Arthur Culombe", "Sam Rome", "Vincent J. O'Brien"?

A That's right.

Q. Sure about that? A. And the "A.C." at the bottom.

Q. That is, the initialing of each page? A. That's right.

Q. Otherwise this was a typewritten statement wasn't it? A. There is some writing on there; the date there. "February 28th".

Q. Is that changed? It was changed, wasn't it?
A. Yes, I think it was changed afterwards when we realized it was after midnight.

Q. It was changed after it was signed, wasn't it?
A. I don't think so.

Q. Well, now, this isn't even being held in front of you now. Yo ucan't see this change, can you, in the date?
A. I saw it when I was—

Q. But you noticed it then? Please tell us when that was changed. A. I don't know. I didn't change it.

Q. You can't say that it was in that condition when Culombe signed it, can you? A. That I don't remember.

Q. You don't know? You remember, Sergeant, that they did make a mistake in the date—you testified to that—and they changed it later? A. I didn't say that.

Q. That's in your mind. How much later?

A. I didn't say that. I said that has been written over.

Q. That has been written over? When was it written over? A. I don't know whether it was done then or done afterwards. I don't remember that.

Q. Then, Sergeant, you don't know whether this exhibit for identification is in the condition that it was in when it was signed by Culombe, do you? A. To the best of my knowledge it is.

Q. With the exception of that writing in of the date that appears as a "28", written in ink over the typewritten "27"? A. That's right.

Q. And when that was done, you don't know, do you?

A. I don't remember whether it was done or not. There was a lot of statements being signed then.

MR. McDONOUGH: Will the State's Attorney produce, this afternoon, all of the copies that were made of this original?

MR. BILL: I'll endeavor to.

MR. McDONOUGH: Tnank you.

Q. Now, who took the statement from Culombe about the canned goods? A. I don't remember what officer was assigned to.

Q. You didn't, anyway, Sergeant? A. No. Somebody was assigned to it.

Q. Were you there? A. No. I saw the statement afterwards, but I wasn't there when it was taken.

Q. State's Exhibit Z for identification was taken approximately—Well, it was taken in the early hours of the morning, was it? A. 12:30 A.M.

Q. Culombe had been going through a questioning period for the fifth night as well as five days before his signature was placed on there; that's correct, isn't it?

A. We had had him in custody during that time.

Q. He had been going through questioning all that night, hadn't he, and all that afternoon on the 27th?

A. That's right.

Q. Until the early morning hours of the 28th of February? A. That's correct.

Q. And he looked relieved, you say, when he signed it? A. After he started talking he looked ten years younger.

Q. And he looked as though he could get a good night's sleep and not be bothered at all, isn't that right?

A. Yes, I imagine his conscience was beginning to clear up a little.

Q. And he also could be free of worry from any abuse in headquarters? A. He never was abused.

Q. He never was? A. No, sir.

Q. What other rooms besides—What room was this paper signed in—these papers? A. That was in what I call the interrogation room.

Q. That's the little room you talked about yesterday, adjoining Lieutenant Rome's office? A. That's right.

Q. How many rooms were used in questioning him

altogether, over there? A. I don't know. When I spoke to him Wednesday afternoon I used that same room.

Q. He was treated rather roughly on Monday, wasn't he, before he signed this statement? A. No, sir.

Q. Did you talk to him Monday? A. I spoke to him Monday.

How long did you talk to him Monday? A. Just a short while.

Q. How long? A. Oh, maybe a half hour, or an hour.

Q. He didn't go out for any rides on Monday, did he? A. Not that I know of.

Q. He didn't go out for any rides on Tuesday, except to be presented in the New Britain Police Court for breach of the peace, did he? A. Yes.

Q. Where did he go? A. He went ot the county jail that night.

Q. Outside of the county jail and New Britain Police Court he did not go for any rides on Tuesday?
A. No, sir.

Q. Didn't you question him Tuesday? A. Mr. McDonough, you are using the word "continuous".

Q. I'm asking you another question. Did you question him Tuesday? A. No, sir.

Q. Or Tuesday night? A. Tuesday evening.

Q. Did you know that anyone else questioned him Tuesday ? A. I know that Lieutenant Rome had spoken to him and to Mrs. Culombe that evening.

Q. How late did you question Culombe on Tuesday?
A. I didn't question him. I sat there with him in the cell until he was brought up to the county jail.

Q. Oh, you sat in his cell? A. That's right.

Q. What were you doing in his cell? A. Sitting there with him.

Q. What were you doing? Just sitting there with him? You didnt like his company so much, did you, that you sat with him? What were you sitting with him in his cell for? A. I started to ask him some questions.

Q. Then you were questioning him in his cell, weren't you? A. All right; put it that way.

Q. Then he was questioned in more places than the interrogation room and Lieutenant Rome's office and Captain Schwartz's office? Now it appears he was questioned in a cell. That's correct, isn't it? A. The word questioned" isn't proper sa far as Tuesday night goes.

Q. Now he was questioned in a cell, isn't that correct?
A. I can't give a "Yes" or "No" answer to that, because you won't let me explain.

Q. Well, may I have an answer to the question?

THE COURT: He says he can't answer it "Yes" or "No".

MR. McDONOUGH: I didn't ask him for "Yes" or "No".

THE COURT: Answer the question.

A. I went downstairs and started to talk to him and he didn't want to talk, so I just sat there a short while with him until they came and took him over to the jail.

Q. That was what night? A. Tuesday night.

Q. What time did you go to the cell to talk to him?
A. I think it was, Oh, half past seven, quarter of eight.

Q. What time did they take him to the county jail?
A. About eight.

Q. So you sat in the cell with him for a half an hour?
A. I didnt think it was as long as that.

Q. Say twenty minutes? A. Maybe; yes.

Q. You wanted to talk to him? You did talk to him, didn't you? A. I started to.

Q. What did you talk to him about? A. I don't remember exactly what it was. I asked him a couple of questions and he said he didnt want to talk, so I just sat there with him.

Q. Well, what did you ask him about? A. I don't really remember myself, Mr. McDonough.

Q How many times was he questioned while in a cell? A. Well, the day he gave the second confession he was in a ecll.

Q. Sergeant, this happens—This occasion right now happens to be the first time we've heard about him being questioned in a cell. He has been questioned twice in a cell, hasn't he? We didn't know about that. He's been questioned twice in a cell, hasn't he?
A. At the time of the second confession he called the officer that was there and told him he wanted to talk to us.

Q. But was he questioned any other time in a cell?
A. I didn't question him in the cell. I sat there with him, asked him a couple of questions, and he said he didn't want to talk, so I sat there for a while.

Q. He had a visitor in the cell—we'll put it that way—and you were the visitor? A. That's right.

Q. And it wasn't a social visit? A. It was a business—

Q. It was a professional police visit; that's right, isn't it? A. That's right.

Q. Now, he had gone through that in addition to the questioning in the room. You came into his cell and he wouldn't answer you, would he? A. He said he didn't want to talk.

Q. And he didn't talk, did he? A. No.

Q. That was Tuesday night, wasn't it? A. That's right.

Q. And Wednesday afternoon when you were up in the room with several other policemen and one woman, the following afternoon, is the afternoon that he signed these pieces of paper? A. That's right.

Q. After your visit to his cell; that's right, isn't it?
A. Yes.

Q. Now tell us what happened in the cell.
A. Nothing.

Q. Nothing? Why did you spend twenty minutes there with him? A. I went in there, asked him a couple of questions, and he didn't feel like talking.

Q. What did you ask him? A. I don't remember exactly what I asked him.

MR. BILL: May I find out when this was, Your Honor?

MR. McDONOUGH: Tuesday night.

THE COURT: Tuesday night.

Q. You don't remember? A. No, sir.

Q. Then he was taken up to the jail? A. That's right.

Q. Why was he taken to the jail? A. He was supposed to go there.

Q. And he was brought back to State Police Headquarters Wednesday? A. Wednesday morning.

Q. What time was he brought down to police headquarters? A. About nine-thirty.

Q. Now, you said he was supposed to go to the jail. Why? Because of the mittimus from the New Britain Police Court? Is that the reason? A. I believe so.

Q. Up until that time there had been no mittimus from any Court? A. I believe you are right.

Q. Did you bring him to the jail Wednesday night after the papers were signed? A. No. He stayed at the barracks.

Q. Even though there was a mittimus committing him to the county jail, he stayed at the barracks; that's right, isn't it? A. At his own request.

Q. And the following day he was brought into this Court before Judge Bordon? A. That's right.

Q. Now, was Culombe prespiring when he finished this questioning period of several hours on Wednesday night when he finally signed four pieces of paper—I think theres four here. State's Exhibit Z, anyway. Was he perspiring? A. Not that I remember.

Q. He was tired, wasn't he? A. Yes, he was.

Q. He was physically and mentally tired, wasn't he? A. He was tired. We were all tired.

Q. Was Mr. Matus there when this confession was signed—so-called confession? A. I believe he was present.

Q. Now, is everything in this confession in the words of Lieutenant Rome? You say that he gathered things and put them together in his own words. These are Lieutenant Rome's words? A. That's right.

Q They are not the words of Culombe. There's no question about that at all, is there?

THE COURT: That's the etstimony, Mr. McDonough.

MR. McDONOUGH: I beg pardon?

THE COURT: That's the testimony.

MR. McDONOUGH: Yes. That's preliminary.

Q. But it is all built on statements made by Culombe? That's right.

Q. And was there anything that Culombe said while the statement was being made that is not incorporated in this statement made by Lieutenant Rome? A. Not that I know of.

Q. You don't have to look at it—you know. You have read it once? A. I know pretty well what is in there.

Q. You can safely say there is nothing said by Culombe that was not put in this statement and there is nothing left out? A. Not that I know of.

Q. You mean there might be but you don't know? A. Well, there was questions asked and Culombe answered them and it was put in writing and it was read back to him and he signed it.

Q. Is there anything in this statement about Culombe being a mental case—being in a mental institution in Bridgewater, Mass., a state hospital? A. No, sir.

Q. Culombe told you people that night, didn't he? A. He told me he was in a feeble-minded institution.

Q. He told your friends that night—Lieutenant Rome and Detective Matus. As a matter of fact, the testimony of Lieutenant Rome referred to it. The first he knew of it was when this statement was being taken. That is so,

isn't it? A. I don't know the name of the place. It was a feeble-minded institution.

Q. The Bridgewater State Hospital. Do you remember Lieutenant Rome testifying on that? A. Yes, I do.

Q. He testified to that at the time he gave that statement. Is that noted in State's Exhibit Z for identification?
A. No.

Q. I will go further. He also said that he was confined for a long period of time in the Wrentham Mental Hospital for Boys, didn't he,—in Massachusetts?
A. I don't remember that.

Q. Well, it isn't in the statement? A. There is no such thing in the statement, no.

Q. There is no reference to what he told you about Bridgewater that you do remember, and there is no reference to Wrentham which you don't recall he said in that statement, is there? A. I don't k[redacted]f he told us that during the time the statement was take[redacted]

Q. It was testified to by Lieutenant Rome, wasn't it, and it is in the transcript, that the first he knew of Culombe being in a mental hospital was when the statement was being taken?

MR. BILL: Objection.

THE COURT: I will sustain the objection. That is not my recollection.

MR. McDONOUGH: Exception.

THE COURT: Surely.

Q. But he did make such a statement about the Bridgewater State Hospital — never mind the Wrentham School.

MR. BILL: Objection.

THE COURT: What is the purpose?

MR. McDONOUGH: To show that all the statement is not incorporated and reduced to writing.

THE COURT: Unless you show that it might not have been incorporated in these other statements, it isn't going to make any great difference to me. Read the qustion, Mr. MacGlashan.

(Th Reporter read the question.)

THE COURT: I will allow it.

A. I didn't hear anything about it that night. I had been told by Culombe about it before.

Q. Sergeant, I understood you to say a few minutes ago he did mention the Bridgewater State Hospital that night. A. He might have made it before that statement was taken.

Q. You knew he was in a mental hospital? A. I knew he had been in a feeble-minded institution.

Q. You knew it at the time the statement was taken and offered in evidence? A. Yes.

Q. And you knew he was mentally ill and had been treated for such illness. You knew that, didn't you?
A. Not the way you put it, Mr. McDonough.

Q. Did Culombe tell you about the Wrentham State Hospital and Lieutenant Rome instructed it wasn't to be put in the statement? A. No.

Q. That is not the case? A. No, sir.

Q. You say it doesn't appear in this statement that he was in a state mental hospital? A. No, it doesn't.

Q. How long did it take to discuss the New Britain matter? A. To get it down on paper?

Q. Well, to talk to him and write it up.

A. Well, we had the matter about the New Britain affair before we came back to the barracks, and it was just a matter of taking it down in statement form.

Q. How long did that take? A. I think it took about half an hour.

Q. Is everything that was said in that half hour incorporated in that statement—said by Culombe?

A. The facts were incorporated in there.

Q. Never mind facts—everything said about the New Britain matter—facts or not—is it incorporated in that statement? A. To the best of my knowledge, it is.

Q. Prior to the typewritten statements being taken—among one is State's Exhibit Z for identification—during all the five day interrogation, had any notes been taken or made by you of your conversation with Culombe?

A. No, sir.

Q. Had any notes been made by anyone else of your conversations with Culombe? A. Not that I know of.

Q. When was the first time during these five days of interrogation was it that notes were made of conversations with Culombe? A. I don't know what the other officers did.

Q. Just so far as you know? A. I didn't make any notes.

Q. By anyone else. Did anyone else make notes of his conversations or of your conversations with Culombe?

A. Not that I know of.

Q. Now, before Culombe signed this statement, had you or another police officer done anything to induce in Culombe the fear of Taborsky? A. No, sir, he had that fear himself.

Q. You didn't encourage it, did you? A. No, sir.

Q. Or none of the other officers did? A. No, sir.

Q. Well, isn't it a fact, Sergeant, that he was offered the hospitality of the State Police headquarters instead of the County Jail after these statements were signed? Wasn't he offered that as a protection from Taborsky?

A. At his request.

Q. At least he thought as far as the County Jail was concerned that he would rather be at the barracks because of his fear of Taborsky? A. He either wanted to go down to the New Haven County Jail or stay at the barracks.

Q. Wasn't that the status of the case and his feeling until I came into the picture? A. That he was afraid of Taborsky, yes.

Q. And you encouraged him to be afraid of Taborsky?

A. I encouraged him?

Q. Yes. A. He didn't need any encouragement.

Q. I didn't ask you that. I asked, did you encourage him? A. No, sir.

Q. Did you hear anyone else in the State Police Department encourage him? A. I don't quite understand your question. You mean did anybody tell him Taborsky would get him? A. No.

THE COURT: I think we should stop here and take up another matter. Sheriff, do you have a report to make to the Court?

Mrs. Culombe, would you step forward, please? You can stand right there. The Court issued a capias to bring you here this afternoon. Now, unfortunately, you are not reached in the order of the testimony. If I let you go until Tuesday morning, will you be here at ten o'clock.

MRS. CULOMBE: Yes, sir.

THE COURT: The accused may be escorted from the courtroom.

Mr. McDonough, the lady said she would be here Tuesday morning at ten o'clock.

MR. McDONOUGH: That's all right with me.

THE COURT: You may adjourn court, Sheriff, until Tuesday morning at ten o'clock.

(Adjournment at 4:00 P.M.)

JUNE 11th, 1957 10:10 A. M.

THE COURT: Could I see counsel at the desk?

(Conference between the Court and counsel)

THE COURT: Call the jury, Sheriff, and may I have the alternates?

(Jury and alternates present)

THE COURT: Good morning ladies and gentlemen. Now, it was indicated to me that the matter before me in connection with this case will take all day, and counsel have agreed with the Court that it would be for your convenience and would in no way affect the course of this trial whatever if I were to excuse you until tomorrow morning. I do it a little bit reluctantly but I feel, and everyone concurs with me, that we are not losing any time by doing this, so that rather than have you waiting around all day I think that I will excuse you until tomorrow morning, but I will have to give you the usual admonition that you are not to talk with anyone about this case or allow anyone to talk with you about it, and you will not read anything about this case in the newspapers, nor will you pay any attention to anything that

may be said or radio, or look at anything that may be on television in connection with this case.

And there is the admonition I have given some of you in the past and I want to give it again. I don't want you around this court until tomorrow morning. I am not forbidding anybody who might have legitimate business, but when I excuse you I excuse you not only from here, but from the courthouse and then report back here tomorrow morning at ten o'clock and perhaps we will be ready to continue with the trial before you. The trial continues before me. You may now be excused.

(Jury and alternates excused)

THE COURT: Now, Sheriff, may I have the accused?

(Accused present)

THE COURT: Are you ready to proceed, gentlemen?

MR. BILL: Yes, Your Honor.

MR. McDONOUGH: Yes, Your Honor.

MR. BILL: At this time I would like to make a statement, and it is to this effect, that since the close of Court last Friday it was brought to my attention for the first time that when Culombe made his original statement involving the New Britain affair it had been combined with a statement involving another crime which preceded it that same evening; that at a later date this original statement had been broken down into two parts by the State Police, one covering all the facts in this New Britain case, and one covering the facts contained in the other incident; that State's Exhibit Z, for identification is the statement of the New Britain affair that was drafted later from the original statement which was signed at a later date by Culombe; that at this time I request permission from the Court to offer evidence concerning the original

statement to show the breakdown, to show the events concerning the breakdown of the two separate crimes from the original statement and their subsequent execution, to establish that State's Exhibit Z, for identification is a part of of the breakdown and part reproduction of the original statement, and I wish to put in all the evidence to explain this situation.

I would either like the privelege of putting this evidence on now, or on redirect after Mr. McDonough finishes his cross-examination.

MR. McDONOUGH: May I ask Your Honor whether or not the State desires to have introduced the matters contained in the original statement, especially those matters which refer to another alleged crime?

THE COURT: Mr. Bill can answer that.

MR. BILL: My answer to that is, Your Honor, that in order to show this thing as it occurred - and, of course, I didn't know about the original statement because when the state police broke it down they thought that was it, they were doing something that ought to be done - we can do either one of two things. If Mr. McDonough objects to this later statement which is a reproduction as he can see when I show him the statement of the New Britain incident all alone, that could be better handled that way, or else if he objects to that I will offer the original statement containing the other case in it and then ask permission to have a part of the other incident cut out of it. That's what this Exhibit Z does.

THE COURT: Of course, it would strike the Court that it might be very well if Mr. McDonough was allowed to examine both papers before he took a position on it.

MR. BILL: I will allow him to.

MR. McDONOUGH: I would, Your Honor.

THE COURT: Mr. Burke, you are not interested in this part of it?

MR. BURKE: Only, Your Honor, if it has any reference at all to my client.

THE COURT: Can you do it here, Mr. McDonough, or would you prefer a recess?

MR. McDONOUGH: Probably during the recess. This is nothing that has to be decided right now. We have gone along with the examination and I think that the purpose of the examination both by the State and defense affects the manner of the taking of the statement, not the statement itself. So it can be done later.

MR. BILL: The only difficulty is, as I remember it, when we closed Sergeant Paige was on the witness stand,

THE COURT: That's right.

MR. BILL: If Mr. McDonough should continue his examination on State's Exhibit Z, all he knows about State's Exhibit Z is, and he said he didn't witness it, is that the story that is told there is the story told by Culombe, and now he finds out that the one that he did sign is here and this is a reproduction of it. That is why he recognizes this story in Exhibit Z.

THE COURT: As I understand it, Exhibit Z, for identification is an accurate reproduction of the relevant facts of the original statement?

MR. BILL: That is correct, Your Honor.

MR. McDONOUGH: I don't see why we don't just stick to that.

THE COURT: The only thing that I had in mind, it is for you, and I do not know whether or not you felt

that you could proceed or you want the opportunity to examine it. As far as the Court is concerned either procedure is satisfactory.

MR. McDONOUGH: Suppose we decide later during the course of the day, Your Honor. I don't think that it is necessary to decide it now.

THE COURT: And if we come to a place where it becomes apparent a decision should be made, we can make it at that time.

MR. BILL: If we are going to use this Exhibit Z, then I want an opportunity to prove how Exhibit Z was brought about.

THE COURT: On redirect I suppose with the statement already disclosed we can proceed.

MR. McDONOUGH: It can be done without disclosing what the original statement contained, that it contained other matters which are not here and are not relevant or material to this case.

THE COURT: I should think so.

MR. McDONOUGH: The record would show that.

THE COURT: I should think so.

MR. BILL: The harm isn't done to introduce it before Your Honor with that other matter in it. It would have to be put in shape to present to the jury, but for the purpose of having Your Honor see, if necessary, that the original of this Exhibit Z, which is a reproduction, there is no harm done if Your Honor has that before you.

THE COURT: I think that we understand the situation and Mr. McDonough is willing to proceed. I think that we can do it. If we come to an impasse we can meet it.

MR. McDONOUGH: Yes.

THE COURT: All right. Sergeant Paige.

SERGEANT DONALD PAIGE, recalled:

MR. McDONOUGH: May I have a moment to confer with Mr. Burke, Your Honor?

THE COURT: Surely.

CONTINUED CROSS EXAMINATION BY MR. McDONOUGH:

Q. May I have the last question and answer read?

THE COURT: Would you read it?

MR. MacGLASHAN: It is in the transcript.

Q. Just before the final questioning, Sergeant Paige, —on page 594 of the transcript and 593 you were asked this question.

"Q. Now, before Culombe signed this statement, had you or another Police Officer done anything to induce in Culombe the fear of Taborsky? A. No, sir, he had that fear himself."

We will back up into that neighborhood now

MR. BILL: I want it made clear that we are talking about the statement that is there.

MR. McDONOUGH: The original.

MR. BILL: He doesn't know when State's Exhibit Z was signed. We are talking about the other statement which contained his original—the original incident—which is not in evidence. He wasn't present when the other one was signed and he doesn't know about it.

THE COURT: I think you can take care of that.

Q. I will put it this way: At the time these statements which was taken which contained the reference as to the New Britain murder— A. Yes, sir.

Q. And later on, as Mr. Bill and I and the Court have recalled, that statement you took, which is the statement outlined in State's Exhibit Z for identification—you understand that? A. Yes, sir.

Q. So that the matters contained in State's Exhibit Z for identification were matters that were discussed in some discussion when you were not present. But these took place in your presence? A. That is right.

Q. Now we understand each other. Now, on Sunday night, did you question Culombe? A. It was Sunday afternoon.

Q. Well, over there in the lounge of the State Police barracks? A. Yes, sir.

Q. And there was a Hartford Police Officer there and a bookie, wasn't there? A. A Hartford Police Officer was there and another person.

Q. And was he brought, that is, Culombe—brought to another office where there was a short wave radio set on the desk? A. Well—

THE COURT: Do you understand the question? Would you like to have it read?

THE WITNESS: Perhaps I had better.

(The reporter read the question.)

A. I don't know if this was before or after.

Q. Sunday afternoon?

THE COURT: The question bothering him is whether you mean before or after he talked to him.

Q. Well, the conversation with Culombe with a Hartford Police Officer there talking to him in a room with a short wave radio set on the desk? A. Yes, we did.

Q. What room was that, Sergeant? A. That was upstairs.

Q. What room is it known as? A. It is the Policewoman's room.

Q. The Policewoman's room. Now, did the Hartford Police Officer say to Culombe that Culombe was insulting your intelligence and morale, and Culombe answered—"I don't know what you mean insulting your intelligence and morale." Did that Hartford Police Officer say that to Columbe? A. He may have, I don't remember.

Q. You don't recall? A. No.

Q. Now, at that time on Sunday afternoon was his wife—Culombe's wife—present in the next room?

A. Not that I know of.

Q. Did you hear Lieutenant Rome while Culombe was being questioned by you say that Mrs. Culombe wanted to see her husband?

A. No, I did not hear her say that. I didn't know she was there.

Q. You didn't hear her voice? A. No.

Q. Was Culombe confronted by his wife Sunday afternoon in your presence? A. No, sir.

Q. Did Lieutenant Rome question Culombe in your presence on Sunday afternoon? A. Not that I remember.

Q. In your presence was Culombe charged with—or threatened to be charged with conspiracy in relation to the theft of canned goods in the place of his employment?

A. No, sir.

Q. Were canned goods discussed during the course of the interrogation — discussed with Culombe in your presence? A. Not on Sunday.

Q. But they were later on? A. On Monday.

Q. And during that course of the conversation when the canned goods were discussed was Mrs. Culombe present?
A. No, sir.

Q. Were the canned goods in the room where Culombe was being questioned? A. I don't remember.

Q. Was Mr. Matus of the County Detective's office present when you questioned Culombe on Sunday afternoon? A. I don't think so.

Q. Were you present on Monday morning the 25th when Culombe and Taborsky were taken out of their cells to be taken to New Britain Police Headquarters?
A. No, sir.

Q. You were not in the building or anywhere near them? A. Not that I remember.

Q. Do you recall when were they brought back from New Britain after being booked down there? A. I don't remember when they were brought back but I did talk to Culombe on Monday.

Q. What time did you talk to him on Monday?
A. Sometime in the afternoon.

Q. What room did you talk to Culombe in? A. In our Report room.

Q. The Report room? A. Where the Lieutenant's office is—Lieutenant Rome.

Q. In Lieutenant Rome's room? A. Yes.

Q. How long did you talk with him? A. Fifteen or twenty minutes.

Q. Who was in the room when you talked with him on Monday afternoon? A. Lieutenant Rome and myself.

Q. And you didn't talk to him for more than fifteen or twenty minutes? Isn't it a fact that you talked to him for several hours on Monday afternoon? A. I remember talking to him only for a short while on Monday.

Q. You mean you yourself only talked to him for fifteen or twenty minutes, but Lieutenant Rome was questioning him and you went about on some other business, and he was taken away after being questioned by you and locked up in a cell? A. No, I think anohetr officer took him over to question him on his statement.

Q. And they talked to him where? A. We turned him over to another Officer to take a statement.

Q. They didn't get a statement on Monday afternoon, did they? A. Yes, sir.

Q. What was the statement about? A. About the canned goods.

Q. That is when he was questioned about stealing canned goods from his place of employment? A. Yes.

Q. And he was told that his wife could be charged with conspiracy for the theft of the canned goods? A. I don't remember any statement like that.

Q. Did you mention the canned goods to him?
A. Yes, I asked him where they came from.

Q. In that conversation on Monday afternoon in Lieutenant Rome's office, did Lieutenant Rome ask him in your presence if he had read the paper that morning? A. I don't remember that. That man isn't supposed to be able or read.

Q. That is what you understand? A. That is what he told me.

Q. Didn't he say, when he was asked by Lieutenant Rome if he had read the papers that morning, "I-don't have

any newsboy and besides I can't read."—do you remember him saying that? A. No, sir.

Q. Do you remember Lieutenant Rome showing him pictures of masks and guns? A. No, I don't.

Q. When you say you don't remember you are not saying that it didn't happen, but just that you don't remember whether or not these things occurred? A. I don't remember any of these things you are asking me occurring, sir.

Q. Was Culombe shown pictures of masks and guns on Monday afternoon in your presence? A. No, sir.

Q. Was Culombe told in your presence that tests showed that one of the guns had been used in a murder in New York and that New York detectives were coming up to question him about the New York murder? A. I don't remember anything like that.

Q. Was this New York murder discussed with Culombe? Yes, it was.

Q. Who was there when that was discussed?
A. This was on Thursday afternoon.

Q. Well, isn't it a fact, Sergeant Paige, that long before Thursday, long before the so-called confessions were signed, statements were given by your department, to your knowledge, that a New York murder was being investigated?
A. It may have been—I don't remember anything about that.

Q. Wasn't there questioning by other Officers in your presence or by yourself about the holdup in New York and a killing where masks were used? A. That was on Thursday afternoon. I asked Culombe if he was involved in those things.

Q. This is on Thursday? A. That is right, there were some New York detectives who talked to him.

Q. These statements were the ones that were typed up by who did you say it was—Detective—. A. O'Brien.

Q. When, to your knowledge, if you know, was this information received from New York about the New York murder? A. That I don't know.

Q. Someone else might, but you have no knowledge of it? A. That is right.

Q. Did you see any New York detectives in the State Police Headquarters during this investigation? A. On Thursday afternoon.

Q. Did Culombe say that he had nothing at all to do with that New York matter because he wasn't in New York? A. Well, he told me at one time—I don't remember exactly—that he had been in New York with Taborsky.

Q. When he was asked about the New York murder, didn't he say he didn't have anything to do with that and that he was not worried? A. That is right.

Q. Now, didn't Lieutenant Rome in your presence on Monday afternoon question Culombe about the guns? A. No, sir.

Q. What did he question him about? A. The only thing I remember talking to him about on Monday afternoon was about the canned goods.

Q. Nothing else? A. That is all.

Q. Didn't you—or did you at anytime during the course of your investigation hear Lieutenant Rome say or ask Culombe whether or not he let Taborsky handle the guns? A. No, I don't remember anything like that.

Q. Did Lieutenant Rome in your presence say to Colombe, "You look pretty simple to me—I don't know why you are taking the rap for this alone—you let Taborsky take these guns." Did he say that in your presence?

A. I don't remember him saying anything like that.

Q. Did you have a list of the places in your hand Sunday afternoon when you were questioning Culombe—a list of the places involving other crimes that took place, and did you question Culombe about that? A. The list,—that was on Wednesday.

Q. You didn't on Sunday? A. No.

Q. Did you on Monday? A. No.

Q. Or Tuesday? A. No, sir.

Q. Well, you knew about these other crimes having taken place before Wednesday? A. Yes, sir.

Q. And you didn't question Culombe about any of these other crimes from Saturday until Wednesday?

A. Well, when we took the trip to Rocky Hill I asked him if he had been there before.

Q. You did question him about that? A. Yes.

Q. You didn't question him about other crimes besides the Rocky Hill and Coventry matters? A. Well, whatever questions were asked along that line was on the trip to Rocky Hill.

Q. Was that the time on Saturday afternoon you questioned Culombe about any other crimes? A. Well, on Sunday I questioned him about the attempted stickup of this "dugout".

Q. The Bookie place? A. Yes. On Monday I talked about the canned goods, on Tuesday I just sat with him for awhile, and it wasn't until Wednesday that I went over the list.

Q. How much time did you spend with Culombe on Tuesday? A. Just in the evening.

Q. Not in the afternoon at all? A. No, I think, as I say, I spent fifteen or twenty minutes in the cell that evening.

Q. Were you in at State Police Headquarters on Tuesday afternoon? A. I must have been in and out of there.

Q. Well, Culombe had a pretty rough time on Tuesday afternoon, didn't he? A. Not that I know of, sir.

Q. Who brought him up to the jail Tuesday night? A. Some other officers.

Q. You talked to Culombe Tuesday night in his cell? A. I went in and asked him a couple of questions.

Q. That is the night he cried? A. He didn't cry.

Q. He sobbed, you said? A. That is what you said.

Q. Sergeant, I am recalling your testimony of Friday afternoon that on Tuesday night—and that was the evidence—after his wife had been to see him, he was brought down to the cell and he sobbed.

MR. BILL: May I find out if that is in the transcript?

THE WITNESS: You used the word "sob". I would describe it as choked up when I asked him a question.

Q. Then I will use your own expression. A. I understand what is in there. I told you that, if you wanted to use the word sob it was all right with me.

Q. You understand exactly what is in this transcript? A. No, I don't, but I remember what I said.

Q. Have you looked at the transcript over the weekend? A. No.

Q. And you say that I used the word sob and not you? A. The use of the word "sob"—I went along with it.

Q. You didn't use the word "sob" on the witness stand? A. I must have used it.

Q. I will read you your testimony on page 558 of the transcript on Friday:

"Q. Now, Culombe was rather a sorry sight physically at the time that he signed this statement, wasn't he? A. No. As a matter of fact, he looked ten years younger." Do you recall that? A. Yes.

"Q. We won't talk about his youth or his age, though we may get around to it. Lieutenant Rome testified yesterday about Culombe being a sorry sight. Did you see him when he was a sorry sight? A. As far as his clothing went, I would say yes.

"Q. Well, as far as his face went and the expression on it? A. He was tired, yes, sir.

"Q. He was tired? He had been through quite an ordeal, hadn't he? A. That's true.

"Q. He had cried at one time, hadn't he? A. He had sobbed."

MR. BILL: Go ahead.

"Q. And when was that, Monday afternoon? A. No.

"Q. When was it? A. Tuesday night, just before we went—before he was brought back to the jail. I had gone down to the cell with him and he had just been talking to his wife, and I started asking him a few questions and I saw that he wouldn't answer any, so I just stayed with him for awhile, and when I asked him questions he said he didn't want to talk about it, or didn't want to talk, and that was all."

Now, where does it appear that I used the word "sob"?
A. It doesn't appear there.

Q. Then do you want to change your testimony that I used the word? A. No.

Q. You just testified a few moment ago that I used the word "sob" and that you adopted it from me. I read the transcript for you. Did you hear anywhere in the transcript where I used the word "sob"? A. No.

Q. Then you used the word and volunteered the information that he sobbed? A. Yes, you read it from the transcript. You also used the word "sob" because I remember you said he sobbed.

Q. Sergeant, you used the word "sob".
A. That's right.

Q. And he did sob, didn't he? A. That is what I was trying to explain. He was choked up instead of sobbing.

Q. Now you want it "choked up"?
A. All right, "sob".

Q. You testified to the fact, didn't you? A. I am still testifying as to the facts.

Q. He did get quite a working over Tuesday, didn't he? A. No, sir, not that I know of.

Q. You said that he said, after the sobbing "I started asking him a few questions and saw that he would not answer anything so I just stayed with him for a while, and I asked him questions he said that he did not want to talk about it, or didn't want to talk, and that was all." That was the situation, wasn't it? A. Right.

Q. He had sobbed and he didn't want to talk and answer your questions, that's true, isn't it?
A. Your Honor I can't say "yes" to that.

THE COURT: If you can't you can say what you want to say.

Q. He had been through quite an ordeal, hadn't he?
A. He was upset because he had been talking to his wife.

Q. You were asked, Sergeant, on page 558 of the transcript, "He was tired, he had been through quite an ordeal, hadn't he?" And you answered "That's true." And you still stand by that testimony, don't you, Sergeant?
A. That's right.

Q. Going back to what he said, he didn't want to be be asked any questions, he wanted to be left alone, didn't he go further than that in what he said to you? Didn't he say more? A. Not that I remember.

Q. Didn't he ask to be brought up to the jail Tuesnight? A. He didn't ask me that.

Q Didn't he tell you "Get out of my cell and leave me alone and take me up to the county jail"? A. No, sir, I don't remember him saying that.

Q. He was taken out of his cell and taken up to the county jail, wasn't he?
A. That's right, on a mittimus.

Q. And you left his cell and it was at his request that he went to the county jail?
A. No, sir. There was a mittimus issued for him to be brought to the jail.

Q. When was that mittimus issued? Monday morning? Tuesday morning? A. Tuesday.

Q Well, he wasn't brought to the jail Wednesday night, and that mittimus was still in existence, was he? He was not brought up on that mittimus Wednesday night,

was he? A. No, sir. We took him out of the jail Wednesday morning.

Q. And you kept him in state police headquarters Wednesday night didn't you? A. Yes, sir, he wanted to stay there.

Q. And were you present when he was brought downstairs Tuesay night and placed in his cell after being questioned, after having gone through quite an ordeal, as you admit? Were you present when he was brought down to his cell? A. No, sir.

MR. BILL: I object to that question about the "ordeal" as you admit, because the witness stated that was as a result of his wife's conference with Culombe.

THE COURT: I will overrule the objection. Allow it to stand.

Q. Do you know the condition that he was in when he was brought to the jail, the physical condition?

A. He was all right as far as I know.

Q. Well, were you there when he was kicked in the side? A. He wasn't kicked in the side while I was there.

Q. Do you know whether or not he complained at the jail that he had been kicked in the side in State Police Headquarters? A. I don't know anything about that.

Q. Do you know whether or not he received treatment at the jail? A. I don't know anything about that.

Q. Do you know whether or not he received sedatives Tuesday night at the jail?

A. I don't know anything about that.

Q. Sergeant, you kept in touch with this man for several days after the statements were signed, didn't you, or your department? A. Yes, sir.

Q. Don't you know that this man was treated at the jail by the jail physician because of his condition?
A. No, sir.

Q. You don't know that, do you? A. No, sir.

Q. You haven't checked it, have you? A. No, sir.

Q. Were you present when Culombe was in conversation with his wife, or his wife made any statement in Culombe's presence? A. No, sir.

Q. Were you with Culombe in a room at State Police Headquarters on Tuesday night when, after the questioning of Culombe was finished by you, Lieutenant Rome went to the door and asked his wife to step into the room? A. I didn't question him Tuesday night.

Q. Well, Tuesday afternoon, did that happen?
A. No.

Q. Were you present at the time when the thirteen or fourteen year old daughter of Culombe was in headquarters while he was being questioned? A. I saw her there.

Q. Did you hear Lieutenant Rome say to that little girl, after finishing questioning Culombe by yourself and him, "Honey, tell your father what you told us"? A. No.

Q. You didn't hear Lieutenant Rome say that to the daughter? A. No.

Q. Were you present when Lieutenant Rome talked to this young girl? A. No.

Q. Did you see the little youngster of the family, the one called Sandy, the sick baby in State Police Headquarters? A. I am under that impression.

Q. When did you see that little five year old child in

headquarters? A. I thought that she was the one I saw Tuesday night.

Q. Two children, Sergeant, you know that. A thirteen or fourteen year old girl and a five year old child—just a moment. Tuesday night, I thought the questioning was Tuesday afternoon. A. What questioning?

Q. Well, I thought your questioning of Culombe was Tuesday afternoon, not Tuesday night. A. I didn't question him Tuesday at all. I was in his cell for a few minutes that night, that's all. I didn't talk to him.

Q. Where were you before you went down to that cell Tuesday night? A. I was somewhere around the barracks.

Q. Weren't you working on the case? A. Yes, but we had a lot of things to do.

Q. How did you happen to go down this time?
A. I knew they was going to the county jail and I thought perhaps that he might want to talk to me.

Q. What time did you go down to his cell? A. It was somewhere between seven and seven-thirty, I think.

Q. What time was he brought to the county jail?
A. Somewheres before eight o'clock.

Q. He told you—how did you know that he was down in the cell? A. I think that Lieutenant Rome told me that he was down in the cell.

Q. Where did Lieutenant Rome tell you that? What room was that conversation in? A. I don't remember.

Q. So that was after Lieutenant Rome finished questioning him Tuesday night and after he had talked to his wife or she had talked to him, that you went down to the cell? A. That's right. I went to the cell just before he was brought to the jail.

Q. That was when he went through what was termed in the examination and agreed with by you, an ordeal, that's when you went down to the cell? A. That's right.

Q. After the ordeal? A. That's right.

Q. And why did you go to his cell? To question him? A. I went down to the cell because I thought that he might want to talk to me.

Q. You hadn't got a statement from him then, had you? A. Yes, we had a statement.

Q. The statement was signed Wednesday, wasn't it? A. This is the statement on another—

Q. Never mind the canned goods. We are not trying the canned goods case. You hadn't got a statement regarding any murder, had you? A. No.

Q. Now, you said that he regarded you as a father, didn't you? A. That's the words that he used.

Q. So you went down in a fatherly way to talk to him, didn't you? A. That's right.

Q. In other words, here was a team, you and Lieutenant Rome, the commanding officers of two teams. Lieutenant Rome was the big bad wolf and you were the soft touch in this examination?

MR. BILL: Objection.

THE COURT: I'll sustain it. The characterization is improper.

Q. You are the one that was using the easy method on him? A. That's right, I was being his friend.

Q. Who was using the rough stuff? A. Nobody.

Q. Who else was being his friend? A. Everybody was his friend there.

Q. By your being his friend, just what do you mean?

A. I took care of him, I talked to him, I saw that he was well fed. He always wanted a little bit more than everybody else ate.

Q. You saw that he was well fed, you saw that he got what he wanted, that's right, isn't it? A. That's right.

Q. And Lieutenant Rome didn't do any of that? You did it? A. He may have done that, too. I don't know.

Q. But you do not know? A. That's right.

Q. But you definitely were the—you were the good Samaritan—or His Honor doesn't want me to use characterizations, which I agree with. You were the one that was being kind to him? A. That's right.

Q. Who was being rough with him? A. Nobody that I know of.

Q. Who kicked him in the ankles? A. Nobody that I know of.

Q. Well, the questioning periods,—there were questioning periods by Lieutenant Rome that you were not present at, that's right, isn't it? A. There may have been.

Q. So he could have been kicked in the ankles, kicked in the side and grabbed by the throat and you wouldn't know anything about it, that's true, isn't it?

A. That is true, but I doubt it very much.

MR. McDONOUGH: I move to strike out the last.

THE COURT: "That's true" may stand. The rest may go out.

Q. Was there a Mrs. Murtha, a policewoman in the room? Tuesday night, when Culombe was being questioned at any part of the questioning period? A. I don't know.

Q. You know that she worked on this case, don't you?
A. Yes.

Q. How many times, and I want this to the best of you recollection, Sergeant, how many times was Mrs. Culombe brought to State Police Headquarters between Saturday afternoon and Wednesday afternoon?
A. All I know is that I saw her there Tuesday.

Q. Who had charge of bringing her to headquarters back and forth between her home and headquarters?
A. I don't know. Lieutenant Rome handled the investigation.

Q. Now, you had other things to do in headquarters. Tuesday night you weren't there during the examination by Lieutenant Rome. What were you doing?
A. I don't remember. I was around the buildng somewhere.

Q. Will the record show what cases you were working on Tuesday night of that week? A. I was working on this case.

Q. Then you were working on this particular case?
A. That's right, but I don't know exactly what I was doing.

Q. What other work was there to do in this case other than questioning Culombe, unless you were questioning Taborsky? A. We had a lot of checking to do.

MR. McDONOUGH: May I, while it occurs to me, Your Honor, at this time ask that the State be ordered to produce the booking records of the State Police Department as of Saturday, the 23rd of February, when the testimony is that Culombe was booked, so that it will show the time that he was booked and the charge that he was booked on? And I understand, I have information that he was booked on another occasion in State Police Headquarters.

I would also ask that the State produce the records of the New Britain Police Department, showing the booking down there similar to the Hartford State Police Headquarters, the complete record showing the time and the charge. And I would ask that the State produce the information issued by the prosecuting attorney in New Britain upon which Culombe was presented in the New Britain Police Court.

THE COURT: Is there any objection to that, Mr. Bill?

MR. BILL: No, Your Honor. I have got those last two right here.

MR. BURKE: Your Honor please, at the same time I would like to request the same records for Taborsky.

MR. BILL: I was going to introduce these anyway before I close.

THE COURT: I can't make any order in your matter, Mr. Burke, at the moment, but I take it that you will produce them, Mr. Bill?

MR. BILL: Yes, Your Honor. I didn't take them all down. I'll have to get them from the transcript unless you want to repeat them. The February 23rd booking at the State Police, and the State Police records, that's number one?

MR. McDONOUGH: That's right. Then there was a second booking, so I am informed, at the State Police.

MR. BILL: Do you know when that was? Well, there was a second booking of Culombe at State Police Headquarters?

MR. McDONOUGH: One Sunday also, Saturday and Sunday. I meant in New Britain.

MR. BILL: I meant the booking in the New Britain Police Department.

MR. McDONOUGH: Yes.

MR. BILL: What else did you ask for?

MR. McDONOUGH: The information.

MR. BILL: The warrants of the Court's proceedings on Tuesday?

MR. McDONOUGH: That's right.

MR. BILL: Yes, I will be glad to.

MR. McDONOUGH: Thank you.

THE COURT: Go ahead, Mr. McDonough.

Q. Isn't it a fact, Sergeant that some of these questioning periods by Lieutenant Rome that you were in the building or did not participate, such as Tuesday night, that I have been asking about— A. I was not—he may have been questioned and I wouldn't know anything about it.

Q. You were in the building but not participating in the questioning or not in the room ? A. That's right.

Q. Wasn't there a purpose in your not being in the room, so that if abuse or rough stuff, as it is called was used on Culombe that you would not be present and have to testify to it in Court? A. No, sir.

Q. Wasn't that done deliberately, you not going into the questioning periods where Lieutenant Rome handled them? A. If that was done deliberately I wouldn't nkow anything about it. All I did was take orders.

Q. Did Lieutenant Rome order you not to come into the room when he was questioning?

No, things just—it is just the way that it happened.

Q. It just happened that you were not there and saw anything that I have asked you about? A. That's right.

Q. In relation to the so-called kicks or chokes?
A. That's right.

Q. Did you at any time hear Mrs. Culombe say "I know my husband did not shoot anybody because he has not got the courage"?
A. No, I didn't hear that.

Q. Now, the Tuesday night when Culombe went to his cell, cried, according to the testimony, and sobbed, to use your own language, you were in his cell for about twenty minutes, weren't you? A. About fifteen or twenty minutes.

Q. You talked to him like a father and asked him a few questions? A. Something along that line.

Q. Didn't you say to him "Did you enjoy seeing your wife and kids?" Didn't you say that to him, asked him if he enjoyed seeing his wife and kids?
A. I may have. I don't remember that.

Q. Well, you may have. Do you remember Culombe saying "Imagine your lieutenant bringing kids into a place like this. Will you please get out of my cell and leave me alone. I want to be brought to the county jail and left alone." Didn't Culombe make that reply to you when you said "Didn't you enjoy seeing your wife and kids?"
A. I don't remember him saying anything like that, Mr. McDonough. He may have. But I don't remember that.

Q. It was rather a rough thing, bringing the wife and kids in, wasn't it?

MR. BILL: Objection, Your Honor.

THE COURT: I will sustain it.

MR. McDONOUGH: Exception, please.

THE COURT: Surely.

Q. Well, up until this Tuesday night when Culombe had been questioned in the afternoon by you and questioned by Lieutenant at night, and gone to his cell sobbing, and then traveled to the county jail, you had not any signed statements from him regarding the New Britain murder, had you? A. That's right.

Q. Wednesday morning, Sergeant, he was brought to State Police Headquarters, wasn't he? A. That's right.

Q. And you brought him upstairs, didn't you, from the cell? A. Wednesday afternoon.

Q. Wednesday afternoon you brought him upstairs?
A. Yes.

Q. And is it Sergeant or Detective Murphy?
A. Detective Sergeant.

Q. Detective Sergeant Murphy was in the room?
A. Oh, if you are referring to Murphy it is Detective.

Q. Is he a Sergeant or Detective? A. Detective.

Q. Detective Murphy and yourself, and Culombe were in the room together? A. That's righ.

Q. Did you start off the conversation by saying to Culombe, Sergeant: "We are going to play a little game. The game is —were you there, or don't you want to talk about it"? Do you remember saying that to Culombe?
A. No, sir

Q. Well, he is of the mentality that you could play games with, isn't he? A. No.

Q. Well, you had been playing games with him from Saturday until that point on Wednesday afternoon and hadn't got anywhere? A. We hadn't been playing games, we had been conducting an investigation of murders.

Q. Well, from the knowledge of Culombe you had gained from Saturday afternoon up to Wednesday afternoon when this new questioning began, you had reached a pretty fair opinion as to his mentality—that is, you had an opinion? A. I wouldn't say as to his mentality—as to his nature, yes.

Q. Well, of his nature, and based on that information and opinion you had obtained, you were going to go ahead on Wednesday afternoon in an endeavor to get a statement about the New Britain murders? A. No, there wasn't anything planned as to how I would talk to him. I just felt I would talk to him naturally.

Q. Hadn't you a plan of procedure to follow out with this man you had worked with — I don't mean you worked him over—but had worked with him for four days and hadn't got a statement about the murders? A. That is not necessarily so.

Q. So that you had reached a point where in your own mind anyway you had an idea that you might be successful then in getting a statement? A. It wasn't any planned idea.

Q. You had thought out a way of handling the situation — let us put it that way? A. Actually, no.

Q. What were you doing stabbing around in the dark? A. No, I felt that if I sat down and talked with him that he and I had been close enough so that he would tell me the truth.

Q. Now you are describing just what I meant. You had the feeling that if you sat down and talked with him in a nice way he would tell you the truth? A. That's right.

Q. And that talk in a nice way would be in an endeavor to get the truth, and you started out by saying, "Let us play a little game", because he is just about of the brain

trust that would play games? A. No, that isn't what happened.

Q. Didn't you use those words like "playing a game"? A. No.

Q. Now, I am thinking of your prior testimony. You did say to him, "We are going to ask you about these things and if you don't want to talk about them, say so, but don't lie to us. If you don't want to talk about it say, 'I don't want to talk about it'" That is the situation, isn't it? A. Substantially, yes.

Q. That is the procedure you were following out, and that went along for about an hour, and he said he didn't want to talk about it? A. I went over each of these crimes, the Rosenthal killing and the Cohen killing and the Leone shooting and the New Britain killings, the ones in Coventry and Rocky Hill, and I asked him, "Were you there, Arthur?" and he said I don't want to talk about them.

Q. And that [illegible] up— A. Then we went into — What happened was, I talked to him alone, and when we had gone through this story I told him I thought he was involved in everyone of them and I called in Murphy.

Q. And Murphy took a statement from him? A. No, I left the room for a couple of minutes and went back in again.

Q. Well, Culombe was pretty nervous that afternoon —upset and nervous? A. No, sir, not that afternoon.

Q. I refer to your testimony on page 583 of the transcript you were asked, "He had been going through questioning all that night, hadn't he, and all that afternoon of the 27th?" and your answer was, "That's correct." A. Well, this was the afternoon of the 27th. We just started talking to him.

Q. And he had been questioned all the night before? A. No, he was in the County Jail.

Q. The night he cried and sobbed? A. The evening before he talked with his wife.

Q. He had been going through a continuous questioning the afternoon and the night before? A. I don't know about the afternoon before he had talked to us. But he had talked to his wife the evening before and this was the next day at one-thirty.

Q. And then he was taken to New Britain Police Headquarters on Tuesday, and what happened down there you don't know because you weren't there. It was Tuesday and he went to New Britain and Tuesday night was when you found him sobbing in his cell? A. Not Tuesday afternoon.

Q. Not by you—but he was questioned? A. I can't answer as to that.

Q. But I am asking you this—he was upset and nervous on Wednesday afternoon? A. No, sir.

Q. He kept saying he didn't want to talk about it for a long period of time? A. Yes, because of the agreement we had that rather than lie he would say he didn't want to talk about it.

Q. You mean you had agreed on the form of his answers? A. We had agreed that rather than tell me lies he would say that he didn't want to talk about it.

Q. You were telling him in advance what his answers were—that rather than lie to tell you that he didn't want to talk about it? A. He told me he had lied enough and we both agreed on that.

Q. When was that? A. As we proceeded along with what I was asking him to say.

Q. When did he tell you that? A. When we first went into the room.

Q. Wednesday afternoon? A. Yes.

Q. What was his next answer? A. I didn't quite get your question.

Q. Well, he had told you he had lied enough. What did you say to him next? A. I agreed with him.

Q. Then what? A. I said, "Rather than lie in answer to my questions, say you don't want to talk about it."

Q. Why didn't you say, "Why do you lie to us?"
A. It just didn't work out that way.

Q. You didn't think of it? A. I don't know whether I thought of it.

Q. You just had an idea that he was lying to you and you didn't ask him what he lied about? A. I knew he was lying right along.

Q. But you didn't ask him what he had lied about?
A. No, sir.

Q. And you were working continuously along the same lines? A. That is so.

Q. And you did? A. That's right.

Q. And that continued until you left for New Britain?
A. Yes, sir.

Q. Didn't you ask him before he left for New Britain if he would sign a statement if one was drawn up?
A. No. The only thing we talked about was where the guns were.

Q. And then you went to New Britain? A. No.

Q. Didn't you go to New Britain on Wednesday afternoon? A. No, sir.

Q. When did you go to New Britain? A. That wasn't until after court here in Hartford.

Q. He didn't go to New Britain before he signed the statements? A. No, sir.

Q. Had you gone down to Culombe's house? A. On Wednesday afternoon.

Q. Before he signed the statements you had gone to Culombe's house? A. That's right.

Q. And up to the time you had left for Culombe's house he had consistently said he didn't want to talk about it, isn't that so? A. No, sir.

Q. Well, did he talk about it? A. He agreed to show us the guns that had been used in the New Britain case and two others.

Q. He agreed to show you some guns? A. The guns used in the New Britain case.

Q. When he made that statement was that before you went to the house? A. Yes.

Q. You didn't take that statement down? A. No.

Q. You didn't take any statement down before you went to his house? A. No.

Q. Even though he had told you about guns that had been used? A. Yes.

Q. Did he say who used the guns? A. At that time he stated that he himself had never shot anybody.

Q. He didn't tell you who used the New Britain gun in a murder? A. No.

Q. At any rate, you went down to his house on Coleman Drive? A. Yes.

Q. And you went with whom? A. Lieutenant Rome and Detectives O'Brien, Murphy and myself.

Q. Was Mrs. Murtha there? A. No.

Q. Before he talked about the guns and before you left for his home on Wednesday afternoon did you tell Culombe—did you ask him if there were any guns in the brook down there? A. Yes.

Q. Did you ask him if he had thrown any guns in the brook down there in back of the project? A. First he didn't want to talk about it, and then I said that we didn't find any guns in the brook in back of the houses down there.

Q. Didn't he deny throwing any guns in the brook, and didn't you say to him we can send a team of men down there and he said you can send the team of men? A. That is right—something along that line.

Q. And then you said, "Well, they may be used"—meaning the team of men? A. Right.

Q. In other words, a team of men might be sent by you? A. Yes.

Q. You told him that? A. That is right.

Q. And then you said, "You want to tell the truth, but you don't know how to go about it"—didn't you say that to Culombe? A. The exact words I don't remember.

Q. Then didn't you say to him, "If you don't want to tell us, do you want to tell the State's Attorney, Mr. Bill?"

A. No, I don't remember saying that.

Q. Well, by not remembering—you may have said it—is that it—you don't recall it, is that it? A. I don't recall saying that, Mr. McDonough.

Q. Did Columbe say to you that he would like the State's Attorney to know about it? A. I believe so.

Q. It is so. And he said, "He will know what to do about it." That is, referring to the State's Attorney?

A. No.

A. He wanted the State's Attorney to know that he was cooperating with us by showing us where the guns were.

MR. McDONOUGH: May that answer go out?

THE COURT: Yes, it is not responsive. Read it

(The reporter read the question.)

Q. That is so? A. I don't remember him asking to see him.

Q. Well, to talk to the State's Attorney—State's Attorney Bill—didn't he tell you that he wanted to talk to the State's Attorney? A. No, he didn't.

Q. If I recall your testimony on Friday, you did testify that he did want to talk to the State's Attorney Bill.

THE COURT: That is not my recollection.

MR. McDONOUGH: I will reframe the question.

Q. He did mention the State's Attorney—Mr. Bill when you asked him would he tell the truth? A. It wasn't in response to a question like that.

Q. All right. He did talk about the State's Attorney—that he wanted to see him, didn't he? A. I don't remember him saying he wanted to see him.

Q. He did talk about the State's Attorney? A. That is right.

Q. Didn't he say he wanted Mr. Bill to see his state-

ment? A. If that is what it said in there. He said that he wanted Mr. Bill to know he was cooperating with us. Either words are the same as far as I am concerned.

Q. Didn't he say he wanted Mr. Bill to see his statement? A. Yes.

Q. And that is before he gave you a statement?
A. Yes, that was sometime before, I believe.

Q. Well, he did mention the State's Attorney's name —that he wanted to talk to him and see him—there was some testimony in connection with the State's Attorney—something that he mentioned to you? A. Yes.

Q. And up to this time he had not seen a lawyer, though he had asked for one? A. I don't know about asking for one—he didn't see one so far as I know.

Q. Then he did mention the State's Attorney. Did you get in touch with the State's Attorney? A. No, I did not.

Q. To your knowledge did anyone get in touch with the State's Attorney before he signed a statement? A. I don't know.

Q. The State's Attorney wasn't present when he signed the statement? A. No, he wasn't.

Q. Then you went down to Coleman Drive, didn't you? A. That's right.

Q. And this conversation in which the State's Attorney's name was mentioned took place in the barracks before you left for Coleman Drive, isn't that true?
A. That is what I wasn't sure about.

Q. You are sure about it now? A. No, I am not. Wait a minute. There was some question about he wanted Mr. Bill to know—before we left—he wanted Mr. Bill to know he was cooperating.

Q. That is before you left the barracks to go to the house? A. Yes.

Q. So that there was a sort of an agreement that Mr. Bill would be notified? A. There was no agreement.

Q Well, what was told to Mr. Culombe when he mentioned Mr. Bill? A. I don't remember the exact words but I suppose I must have told him he would be told about it.

Q. Then he got cooperative? A. No, he was cooperative before that.

Q. He got real cooperative then—he was right on the way to a statement, isn't that true? A. No, sir. We asked him questions after that but it was close to the turning point.

Q. It was shortly thereafter you got a statement out of him? A. No, sir, those statements were not given until several hours later.

Q. And anytime thereafter he didn't state that he didn't want to talk about it? A. That's correct.

Q. So that the situation changed from one where he didn't want to talk about it to where he was talking about it? A. Yes.

Q. After some assurance was given about Mr. Bill—then he didn't say anymore that he didn't want to talk about it, and he talked from then on? A. He talked before—he talked from before.

Q. Did he clam up on you then? A. No, he was giving us a little at a time.

Q. He did talk from then on, didn't he? A. Yes, sir.

THE COURT: Now, let the witness finish his answer before you ask another question.

Escort the accused from the courtroom.

Short recess.

(Recess was taken at 11:28 A.M.)

JUNE 11th, 1957. 11:45 A.M.

THE COURT: Bring up the accused, Sheriff.

(Accused present).

(Jury and alternates not present).

DONALD PAIGE, on the witness stand.

THE COURT: You may proceed when you are ready, Mr. McDonough.

MR. McDONOUGH: Thank you.

CROSS EXAMINATION BY MR. McDONOUGH: (RESUMED).

Q. Now, Sergeant, Friday afternoon, on Page 593 of the transcript, it is shown 'When was the first time during these five days of interrogation was it that notes were made of conversations with Culombe?

"A. I don't know what the other officers did.

"Q. Just so far as you know.

"A. I didn't make any notes.

"Q. By anyone else? Did anyone else make notes of the conversations, or of the conversations with Culombe?

"A. Not that I know of." Was your answer.

Q. So you didn't make notes until the time the statements were taken, of your conversations with Culombe?

A. I didn't. Detective O'Brien did.

Q. You did not? A. No.

Q. On page 567 of the transcript you were asked this line of questions—page 566 we will start on.

"Q. And he had been doing that in addition to denying it"—I'll go further back. This is referring, I believe, to the Wednesday afternoon conversation.

"Q. How long did he continue to say that?—that is the answer "I don't want to talk about it." And your answer "Well, I started talking to him at 1:30 and it was just a short while afterwards that I took this piece of paper with all the different crimes on it and asked him these questions. Murphy came in and repeated the same thing and we were out of the barracks by half past three that afternoon."

Q. Now, on page 567, the following page, you were asked the question, "Just about New Britain?" And your answer was "When I asked him—" and then you turned to the Court and you said "Your Honor, can I refer to this note that I have here?" You did make a note, then, didn't you?

A. No, that wasn't a note.

Q. You said that it was a note. A. This was a paper with a listing of all the crimes on it that I was referring to.

Q. That wasn't a note? A. No, it is a paper that was made up by our department describing all the crimes.

MR. McDONOUGH: May I have a moment, Your Honor?

THE COURT: Surely.

Q. Did you tell Culombe, Sergeant Paige, relative to the request about Mr. Bill, that "I don't know how to go about this. I tried to get him"—meaning Mr. Bill "on the phone and I went over there but he is not there"?

A. No, sir.

Q. Did Lieutenant Rome say that in your presence?

A. I don't remember him saying that.

Q. Then you went down to Culombe's house?
A. Yes, sir.

Q. On Coleman Drive. And Mrs. Culombe was there?
A. That's right.

Q. Miss Murtha was there? A. No.

Q. Lieutenant Rome was there? A. Yes.

Q. Detective Murphy was there? A. Yes.

Q. And you were there? A. I was there, and then we had two photographers with us.

Q. Department photographers? A. That's right.

Q. And why were the photographers there?
A. To take a picture of the evidence as we obtained it.

Q. Take a picture of the guns and things? A. As we obtained them.

Q. If you did obtain them? A. Yes.

Q. Now, was the thirteen or fourteen year old girl there? Was she there or was she in school?
A. I don't think that she was there. I think that the little girl was there.

Q. Well, the thirteen or fourteen year old girl was in the barracks at the time, wasn't she? A. No, sir, not that I know of.

Q. Are you sure that you don't know?

MR. BILL: May I ask Your Honor, through you, when this was that we are talking about at the barracks?

THE COURT: At the time that they went to Culombe's house.

THE WITNESS: I don't—

THE COURT: He hasn't answered your question. He is waiting for you.

THE WITNESS: I don't know where she was. She wasn't with us.

Q. Didn't you send for her later on to be brought from the barracks to the house? A. No, sir.

Q. Well, getting back to the Mr. Bill matter, relative to Culombe's request, and that is what it was, referred to in your testimony Friday, I said "Condition" and you said "Request". Do you recall that? A. Yes.

Q. Relative to Culombe's request did you make a written report to Mr. Bill? A No, sir.

Q. Didn't you make a written report at all to Mr. Bill?
A. Of the whole case, yes.

Q. Where is that report? A. He has a copy of it.

MR. McDONOUGH: May I ask the State to produce Sergeant Paige's report to the State's Attorney?

THE COURT: You may ask him. Can you do it, Mr. Bill?

MR. BILL: I am going to remove it from the books here, Mr. McDonough.

MR. McDONOUGH: All right. I think that that would be better, anyway.

MR. BILL: There's two pages, Mr. McDonough, that I produce, and there are some pencil marks that I made myself. They were not on there when I got them.

MR. McDONOUGH: Thank you. May I have a moment, Your Honor, please?

THE COURT: Surely.

Q. Showing you the sheets of paper, Sergeant, can you identify them? A. Yes, that is my report.

Q. To the State's Attorney for Hartford County, Mr. Bill? A. That's right.

Q. The report referred to in your testimony?
A. That's right.

Q. Made after the investigation closed? A. That's right.

MR. McDONOUGH: May these be marked for identification, Your Honor, two pages?

THE COURT: Defendant Culombe's Exhibit 1, for identification.

(Two page report of Sergeant Paige, marked "Defendant Culombe's Exhibit 1, for Identification").

Q. As I recall the testimony, Sergeant, there were no notes made until you returned from Coleman Drive on Wednesday afternoon, is that correct? A. No, sir.

Q. Were notes made before you left for Coleman Drive? A. There were notes made by Detective O'Brien. I don't know if he started it upstairs or started it in the car.

Q. Of the conversation that took place in the barracks? A. Just as we were ready to leave.

Q. I think that I recall this. Maybe we can get together on this. I think you said in the car Friday afternoon, you testified that you believed Detective O'Brien made notes of the conversation in the car? A. Yes, I saw him doing that.

Q. But there was no notes made in the barracks?
A. That is where I am a little confused. I was under the impression that just as we were ready to leave that he came into the room as were getting ready to go and

started taking shorthand notes. Whether he did or not I am not sure.

Q. You are not certain? A. No, I am not sure.

Q. Well, if—will you look at Culombe's Exhibit 1, for identification and refresh your recollection and see whether or not Detective O'Brien made any notes in the barracks before you left for Coleman Drive? A. I state here he took the notes in regard to Culombe's admission.

Q. So that is now your recollection after referring to your report that he took notes in the barracks?

A. It was before, too. I was under the impression that he took some. Then I saw him taking them while we were on the ride to Culombe's.

Q. Now, you have testified only that a short while ago this morning that he took notes in the car. You also testified to that effect Friday. Your report to the State's Attorney does not indicate that he made notes in the car.

A. His report would indicate that.

Q. But yours does not? A. No.

Q. Now, where are those notes? A. I imagine that he has them.

Q. They were official notes of the department?

A. They were shorthand notes that he was taking as we were going along.

Q. That Detective O'Brien made? A. That's right.

Q. Not Detective Murphy? A. No, Detective O'Brien.

Q. When the statements were taken Detective O'Brien was in the room making the notes, shorthand notes, is that right? A. Which time are you referring to? After we came back?

Q. After you came back? A. No, when we came back he was taking it right down on the typewriter.

Q. But he made shorthand notes before you left for the Coleman Drive house, and in the car? A. He took them in the car and I am under the impression before we left.

Q. And the statement that was later typed out by Detective O'Brien was made from dictation by Lieutenant Rome, that's right, isn't it? A. The statement, he was asking Culombe the questions and then putting it in words so that they would be in sequence.

Q. So that the statement was not made from any of the notes made by Detective O'Brien in the barracks before you left for Coleman Drive, was it? A. No, it was taken exactly what Culombe told him.

MR. McDONOUGH: May I ask the State to produce the notes of Detective O'Brien, the shorthand notes?

THE COURT: You may ask it.

MR. McDONOUGH: Just make them available to us? Not right at this present time.

MR. BILL: I had expected to put him on and I'll be very glad to have him read them. I suppose the objection would be that he would have to refresh his recollection. I suppose that he would have to testify that he has no recollection.

MR. McDONOUGH: That solves the question that I have in my mind.

MR. BILL: I have nothing to conceal.

MR. McDONOUGH: Oh, I didn't say that, Mr. Bill. Just so long as you intend to produce him.

MR. BILL: Yes, I will put him on.

Q. Now, Sergeant Paige you have told the Court about making this report to the State's Attorney for this county. This is a complete report of your procedure and your questioning of Culombe, isn't it? A. This is a report that covers the New Britain case.

Q. Of the New Britain case? And this report does not contain, does it, to Mr. Bill, that a request be made that Mr. Bill be notified of the statements that were to be made, does it? A. No, it doesn't.

Q. So Mr. Bill was never notified by you that Culombe, before he made the statement, requested that Mr. Bill be notified of the statemnt? It dosn't contain that, does it? A. No, it does not.

Q. Didn't you think that it was of sufficient importance to put in there, Culombe's request that he wanted the State's Attorney notified? A. No.

Q. You didn't A. That wasn't my job. That was Lieutenant Rome's job.

Q. This is your report, Sergeant. All I want to get from you is, the request was made to you or in your presence that he wanted the State's Attorney notified, and you did not think it of sufficient importance to include that in your report to the State's Attorney. That's all I want from you. A. No, because at the time we were taking statements Eddie Matus was there.

Q. Eddie Matus isn't the State's Attorney.

A. No, but he is a representative of that office.

Q. But Culombe asked for Mr. Bill, the State's Attorney, that's true, isn't it? A. Yes.

Q. It boils down to this, that he was not notified and there is nothing in your report to Mr. Bill that Culombe wanted him notified, is there? A. There is nothing in my report to that effect.

Q. That is all I am driving at, Sergeant. A. Okay.

Q. So then you went to Coleman Drive and you got there about three-thirty in the afternoon?

A. Somewhere around that time.

Q. And the people that you have this morning described, Mrs. Culombe, Lieutenant Rome, Detective Murphy, was Detective O'Brien there? A. Yes.

Q. Detective O'Brien, two photographers and yourself, with Culombe, were the ones present? A. That's right.

Q. In that house? A. That's right.

Q. That is a small apartment of about four rooms, isn't it? A. Yes.

Q. About that? A. Yes.

Q. And the livingroom is the place where you people gathered to talk, isn't that so? Everyone was there?

A. No. We came in and then we went over to the bathroom and to the bedroom.

Q. You went in and looked for guns? A. We looked where he told us they would be.

Q. The conversations took place in the livingroom, didn't they, which is off from the bathroom and the bedroom and the kitchen? A. There was very little conversation, actually, there.

Q. Culombe did say something when he was there, didn't he? A. Yes. He brought Lieutenant Rome in and showed him where the guns were in back of the medicine chest.

Q. Were there stenographic or shorthand notes made by Detective O'Brien of the conversations that took place that afternoon in Culombe's house? A. I don't know.

Q. You don't know? Were the stenographic notes taken by Detective O'Brien in the barracks before you left for the house, taken at anyone's direction? A. Yes, Lieutenant Rome's.

Q. Lieutenant Rome? And you were there and heard the directions given? A. I was in the car when he told Detective O'Brien to make notes.

Q. You heard that? A. Yes.

Q. You remember hearing that? A. Yes.

Q. Did you — who was in the car with Detective O'Brien when you were going to the house?

A. Murphy, Lieutenant Rome, Culombe and myself.

Q. Did you hear Lieutenant Rome direct Detective O'Brien in the car to take the notes of what Culombe was saying? A. I heard him tell Murphy to take over the wheel so that O'Brien would take notes.

Q. Did Culombe do any talking while you people were in the home on Coleman Drive? A. Yes, he must have said something.

Q. You remember? A. That he did.

Q. He talked to his wife, didn't he? A. Yes, he did talk to his wife.

Q. Did you see Detective O'Brien making any notes of his remarks that he was making? A. No, I didn't.

Q. Did you hear Lieutenant Rome instruct Detective O'Brien not to make notes of the remarks Culombe was making while at the house? A. No.

Q. Well, what remarks did Culombe make? A. I don't remember what remarks. All I remember is that he went in there and he showed us into the bathroom and he said there was—Well, this isn't word for word because

I don't remember it, but he told us the guns were in back of that medicine chest, and if I remember, he showed us how to remove the medicine chest by removing some screws and then I think we went back into the living room there and I was watching him take out the bag with the guns and blackjacks in it.

Q. What did Culombe say to his wife in the living room of the house on Wednesday afternoon—in substance, if you don't remember the words? A. I don't remember —I know that he sat down there and talked to her, but what the words were or exactly what it was about, I don't remember.

Q. You were within earshot, weren't you?
A. Yes.

Q. And it's a small room—you heard it—you heard him talking to his wife? A. Yes.

Q. Why is it you don't remember what he said?
A. I was excited about the guns and finding them, and so forth.

Q. Wait a minute, Sergeant. You were excited about the guns? How long have you been with the State Police? A. Eleven years and I still get excited.

Q. And you have been in criminal investigations many times? A. Yes, sir.

Q. And you get excited. What were you excited about? A. The guns. I had been working on the case for a long time.

Q. Five days, right? A. No, since back in December.

Q. And you got so excited over finding the guns you couldn't remember what Culombe, the man you were

charging with the murder, was saying? A. He said something to his wife but I don't recall the substance of it.

Q. Did he say this to his wife—to refresh your recollection—"This is one reason I am telling you things now—so that you won't be bothering anymore." A. I don't remember that.

Q. That is an important statement, isn't it?

A. Well—

Q. That is rather an important statement getting right up to the admissions and signed statement and this is the conversation I am telling you now: "This is one reason I am telling you things now—so that they won't be bothering you anymore." Do you remember that statement being made? A. No, I don't, Mr. McDonough.

Q. There is nothing wrong with your memory, is there? A. I do the best I can.

Q. You were just excited? A. I sure was.

Q. Do you remember things that will help the prosecution of a case and deliberately forget things that might help the defendant? A. Do you think so, Mr. McDonough?

THE COURT: No, you just answer the question.

A. No, sir. Everything I can remember you can have. That is what I am sitting here for.

Q. You stuck your neck out that time.

THE COURT: Now, Mr. McDonough, please—

MR. McDONOUGH: Yes, sir.

Q. How long did Culombe talk to his wife? A. I think we were in that apartment for about ten minutes and Murphy was staying there with Culombe.

Q. A baby—Sandy—isn't that her name? A. I don't remember.

Q. You don't remember the baby's name? Do you remember anything about this family? A. I know there are two daughters, two little girls.

Q. Call it the little one—was she sick? A. Yes, and we took care of her.

Q. Yes, you took care of her on Culombe's insistence? A. No, sir.

Q. The little baby was sitting on the couch when you were in this room? A. Yes.

Q. And Culombe was concerned about the baby, wasn't he? A. No, he wasn't concerned about the baby.

Q. Didn't Culombe say, "Take that baby to the hospital?" A. No, that baby was sick but it was sick later.

Q. That baby was taken to the hospital that night, wasn't she, Sergeant? A. I am not sure whether it was that night or the next. I know we took her to the hospital.

Q. She was taken by Miss Murtha to the McCook Hospital? A. She was taken to a hospital.

Q. While this police work was going on this little baby was sitting on the couch and she was feverish and in pain from an illness besides being frightened, wasn't she? A. I don't know if the baby was sick.

Q. You didn't know whether the baby was sick? A. No, sir.

Q. Did you see the baby looking healthy? A. I only saw the child twice,—I wouldn't know.

Q. Didn't the baby look healthy? If you don't know just say you don't know. A. I don't know.

Q. But you do know the baby was taken to the hospital that night? A. I am not sure it was that night or the next.

Q. And you knew this baby was brought to Police Headquarters and was fondled and played with across the street here by Officers and this man saw it? A. I don't know that the baby was sick that night.

Q. Did you know that you had a sick baby in Police Headquarters and this defendant knew it and it was used to play on him? A. Not that I know of.

Q. Do you know the purpose of bringing those children to the State Police Headquarters? A. I don't know the purpose.

Q. It certainly affected Culombe—you knew that? A. I don't know how it affected him.

Q. Well, Tuesday night he told you that was a pretty low thing to do—to bring the child into Headquarters for your Lieutenant's desire? A. You asked me that before and I don't remember him saying that.

Q. Do you deny it? A. I don't remember.

Q. When you say you don't remember, do you really mean you don't remember? A. That is exactly what I mean.

Q. You have a very poor memory. A. I do the best I can.

Q. Do you know how many times you have used in your testimony that expression "I don't remember"?

A. I haven't the slightest idea.

Q. Quite a bit. A. Well, I use it when I don't remember.

Q. It boils down to this—there are a great many things you have said or have done in your investigation where you have had to say I don't remember. A. The record shows that to be so, yes.

Q. There are a great many things you don't remember? A. That is true.

Q. This statement was signed by Culombe after five days and five nights of questioning and after being aware that his children were brought to Headquarters and after having been confronted by his wife at Police Headquarters, after having seen one of his sick children, a little child on the afternoon of the midnight when he signed the statement. That is when this statement was signed, wasn't it?

MR. BILL: Objection.

THE COURT: Sustained.

MR. McDONOUGH: Exception.

THE COURT: Sure.

Q. And coupled in addition with that is the fact that he had not had a lawyer after being presented in Police Court in New Britain and presented in court in Hartford?

MR. BILL: Objection.

THE COURT: I will sustain it. It is repetitious.

Q. He was booked on a Saturday in your State Police Headquarters on what charge, did you say? A. I said he was arrested on Saturday night on a felony charge.

Q. Wasn't he booked under this Section of the Statute, Sergeant: "Sheriffs, deputy sheriffs, county detectives, constables, borough bailiffs, police officers, special protectors of fish and game and railroad and steamboat policemen in their respective precincts, shall arrest, with-

out previous complaint and warrant, any person for any offense in their jurisdiction, when such person shall be taken or apprehended in the act or on the speedy information of others, and members of the state police department or of an organized local police department or county detectives shall arrest, without previous complaint and warrant, any person who such officer has reasonable grounds to believe has committed or is committing a felony. Any person so arrested shall be presented with reasonable promptness before proper authority." That is what he was arrested and booked on that Saturday night?

A. To the best of my knowledge that is what he was arrested on.

Q. And he was presented to any proper authority on that Saturday night of his arrest at State Police Headquarters? A. He was presented before the court.

Q. On Monday there was a Hartford Police Court in session? A. I presume so.

Q. On Monday there was a New Britain Police Court in session? A. I presume so.

Q. And he wasn't presented in any court?
A. No, sir.

Q. Instead he was held and questioned further, isn't that right? A. He was held and presented in court on Tuesday.

Q. Now, when you left Culombe's house on Coleman Drive Wednesday afternoon after the matters I have questioned you about, did Mrs. Culombe say, "Will you please see my daughter home?" A. No, sir.

Q. Did you put in a call on the cruiser telephone to the State Police barracks on the radio when you left the Culombe house? A. About what, sir?

Q. Did you put in a call? A. I don't remember. If I knew what it was about I might be able to answer that.

Q. Did you instruct Headquarters to send the little Culombe girl—the thirteen or fourteen year old girl home in a cruiser and have a cruiser pick up Mrs. Culombe and bring her into headquarters? A. No, sir.

Q. Did Lieutenant Rome do it in your presence?
A. No, sir, not that I remember.

Q. Don't you know that Culombe, after he signed the statements in the early hours of the morning on Thursday, was relieved, as you called it? A. Yes, I felt he was.

Q. He was exhausted physically? A. We were tired.

Q. And does the we include Culombe? A. Yes.

Q. Exhausted? A. Tired.

Q. At the time he signed the statement which is being offered by the State, he had got past the point where he was protesting any further that he was innocent, that is true, isn't it? A. That statement he gave wasn't the truth.

MR. McDONOUGH: I move to strike that answer.

THE COURT: The answer can go out. Read the question, Mr. MacGlashan

(The reporter read the question.)

A Yes.

Q. In other words, Culombe had given up and surrendered. A. Not entirely, sir.

Q. Well, there were little details to be washed up later on? A. Those were very big details.

Q. Well, they were big details, but anyway, he did admit being implicated in the New Britain murders?

A. Yes, sir.

Q. Then you took him to a cell and locked him up for the night? A. Yes.

Q. And that was on a Thursday—and when was he presented in Superior Court? A. Thursday.

Q. That afternoon or morning? A. It was in the morning, around noontime, if I remember right.

Q. Were you in court when he was presented, Sergeant? A. Yes, sir.

Q. When you presented him in the Superior Court you had a bench warrant for his arrest at that time, did you not—from the Superior Court? A. I think so—I am not too sure of the details. Lieutenant Rome was handling them over here.

Q. Were you here? A. I was here.

MR. McDONOUGH: I think that is all, Sergeant.

THE COURT: Mr. Bill, anything further?

REDIRECT EXAMINATION BY MR. BILL:

Q. Now, Sergeant, I show you five typewritten papers and ask you if you recognize those. Look them over, please. A. Yes, sir.

Q. And you recognize those as what? A. This is a statement we took on that same night of February 27th that was taken by Lieutenant O'Brien—typed out by Detective—that is, Lieutenant Rome's statement, and it was typed out by O'Brien and I signed the statement.

Q. Whose statement? A. A statement given to Arthur Culombe covering the Leone shooting and the New Britain shootings.

Q. That was the 28th? A. On February 27th at ten-fifty-five P.M.

Q. Was that when it was commenced or fineshed? A. That is when it would have been started.

Q. I think it has been testified—do you know whether the various crimes of which there have been statements were reduced to separate statements? A. I was of the opinion they were.

Q. Statements of this sort? A. That is right.

Q. This statement here—that purports to be a combination of the Leone and New Britain situations, isn't that so? A. That's right, sir.

Q. And from the reading of that statement do you find that the New Britain situation followed immediately after the Leone situation? A. That is right.

Q. On the same day? A. The same evening.

Q. You appear there as a witness? A. Yes, sir.

Q. And who appears there—who else?

A. Samuel Rome, Vincent O'Brien and Edward Matus.

Q. And that is the statement concerning the New Britain affair that you signed that night? A. Yes.

Q. The Culombe affair? A. That's right, sir.

Q. And it is joined in with the Leone affair? A. Yes, it is.

Q. I show you State's Exhibit Z for identification, and I believe that was presented to you on the witness stand on Friday? A. Yes, sir, it was.

Q. Would you look that over? A. I did.

Q. First off, when that was first presented to you as being the statement of Arthur Culombe, did you testify you had been a witness to the signature of Arthur Culombe?

A. I did. I stated I signed it.

Q. And what do you find on that statement, Z for identification—do you find your name on that? A. No, my name wasn't on there.

Q. You were later asked to look over the statement for identification Z and determine whether that was the statement of Arthur Culombe, and did you read it?

A. Yes, sir.

Q. And do you find it to be? A. This is what Culombe told us that night about the New Britain shooting.

Q. And have you compared it since you were on the witness stand and seen the other paper?

MR. BILL: May I have that marked?

THE COURT: Unless there is objection. It isn't going to be offered?

MR. BILL: Merely for identification.

THE COURT: Yes, but I thought in order to keep my bookkeeping straight I would mark it Z-1 for identification.

MR. BILL: Well, I don't know, Your Honor. This is going to be offered with something cut out of it, so I want to have it in evidence.

MR. McDONOUGH: I think it should be offered as a complete statement.

MR. BILL: If I offer the other, there will be no objection?

MR. McDONOUGH: There will be an objection but not on that basis.

MR. BILL: You mean if I offer that state's exhibit Z there will be no question but what that is an authentic copy?

MR. McDONOUGH: No.

MR. BILL: An authentic copy of this statement I am now pressing for identification?

MR. McDONOUGH: That's right. We can eliminate the other one completely.

THE COURT: I will have it marked Z-1 for identification.

(A statement of Culombe marked State's Exhibit Z-1 for identification.)

Q. Did you notice any change in it at all in your comparison between State's Exhibit Z and Z-1 for identification? Did you compare the two? A. Well, one deals with the Leone and the New Britain affairs and this one deals with New Britain.

Q. I am not referring to that. Specifically, one reference of the time in the original statement— A. The original statement?

Q. That is State's Exhibit Z-1. What does that say as to the time of the New Britain affair? A. The time when we took it, you mean?

Q. No, the time of the incident, when it occurred— the Leone incident.

MR. BILL: Mr. McDonough, what I am trying to develop here — I may be doing it the hard way, but I am not representing that this was taken out and is a verbatim recitation of the New Britain affair. There were references here to the Leone affair and I don't want to get them confused. There is a reference in here in Z-1 where it says that they went to the Leone store at six o'clock and then

they asked about the New Britain and they said it was about an hour or an hour and a half later. That couldn't be left in the substituted statement—Z. That was changed to between seven and seven-thirty.

MR. McDONOUGH: That they arrived in New Britain?

MR. BILL: Yes. It originally said about an hour or an hour and a half after the Leone matter, which was six o'clock. It is just a matter of a slight change in the language. I'm just pointing it out to you that there are those changes that would have to be made. I wanted to point this out so that you would know exactly what I am trying to get admitted.

MR. McDONOUGH: I have to make a decision on this point and I think I should have a little more time to consider these things. I would like to look through it.

THE COURT: I think you should.

MR. McDONOUGH: Could we take our noon recess now until two o'clock and I can work on it in the meantime?

MR. BILL: I was going to develop through him all of this matter, but I have pointed out the changes. I think Mr. McDonough should have an opportunity to look them over.

THE COURT: All right. You may escort the accused from the courtroom.

Could I see counsel at the bench for a moment?

Recess, Sheriff, until two o'clock.

(Recess at 12:35 P.M.)

JUNE 11th, 2:00 P.M.

THE COURT: Bring up the accused, Sheriff.

(Accused present.)

(Jury and alternates not present.)

THE COURT: Are you ready to proceed, gentlemen?

MR. McDONOUGH: If Your Honor pleases, I have read over State's Exhibit Z-1 for identification and have compared it with State's Exhibit Z, and it appears to be just a continuation and a confinement of the statement to New Britain. I think the proper procedure to follow would be to let Exhibit Z stand for identification and completely eliminate Exhibit Z-1, because there would be a quarrel over the admission of Z-1 very definitely, and Your Honor might rule one of several different ways. You might exclude it entirely or Your Honor might rule that part of it, such as the picture that we disputed, be admitted in evidence, and then the jury would only be getting something that was clipped and it might leave a wonderment in their minds. So I would suggest that the offer be confined to Exhibit Z, without any comment to the jury. The testimony is in. It has been identified.

THE COURT: Let's proceed that way.

MR. McDONOUGH: Is that satisfactory, Mr. Bill?

MR. BILL: Yes, but for the record, Your Honor, I do want to put in evidence as to how Exhibit Z came about.

THE COURT: There is no objection to that, I take it.

MR. BILL: Because we haven't any evidence yet, because Officer Paige didn't know about it, as to its being read back and signed and all that type of thing.

MR. McDONOUGH: Of course, it is all before— I am sorry, Mr. Bill.

MR. BILL: That's why I would like to continue through with my witnesses and produce them on these

statements, so if you find that he is doing it that will be the purpose.

THE COURT: Exhibit Z-1 for identification will remain Z-1 for identification only.

MR. BILL: That's right.

THE COURT: But it will be Z that we are talking about eventually?

MR. McDONOUGH: That the offer will be made on, I assume.

MR. BILL: Yes, I want to build a foundation for it in the record. I don't want Sergeant Paige any further. He was on the stand when this matter came up.

THE COURT: Do you have anything further with him, Mr. McDonough?

MR. McDONOUGH: At this time I don't, but I want him in the courtroom.

THE COURT: Oh, yes.

MR. BURKE: Your Honor please, do I have permission to question Sergeant Paige?

THE COURT: I wouldn't see at this time where there would be any reason for it.

MR. BURKE: I make the request on the basis that all of this is one scheme or plan to extricate the confessions from both and that each of the officers questioned both men. I don't know how much questioning Sergeant Paige did of my client, and when it comes time to question another officer he doesn't know facts which the other one does know.

THE COURT: There is no offer as yet of any confession in your case, and this, of course, as you well know, is on the question of whether or not I will admit this par-

ticular confession which is now marked Exhibit Z for identification. At this time I will deny you the right to examine. That isn't any precedent for what I may do if and when this should arise before the jury, but for now I see no point in your cross examining.

MR. BURKE: May I have an exception?

THE COURT: Certainly. Call your next witness, Mr. Bill.

MR. BILL: Lieutenant Rome.

SAMUEL ROME, having been previously sworn was recalled and testified as follows:

THE COURT: Sit right down, Lieutenant. You have been sworn.

DIRECT EXAMINATION BY MR. BILL:

Q. Lieutenant Rome, my recollection is that when you were last on the witness stand I brought your testimony up to the time of your return from the trip to Culombe's house? A. That is correct.

Q. And up to the time when a statement was made by Culombe? A. Up to that time, yes, sir.

Q. Now, continuing—and that was all before the jury. Now, I wish to continue from there on. Will you tell us what occurred after you returned from Culmobe's house on that Wednesday afternoon, and include in there about what time you got to headquarters?

A. I was present during the trip to the house. Do you want after the return or to the house and return?

A. I think you explained what happened on the way down and at Culombe's house, did you? A. No, sir.

Q. All right. Going back to—did you testify at all as to Wednesday? A. Not Wednesday afternoon.

Q. Commencing on Wednesday afternoon did you take part in the investigation of the Culombe case?

A. I did, yes, sir.

Q. And at what time about did you enter into the picture that day? A. At about two-thirty, quarter to three.

Q. And under what circumstances? A. Detective Sergeant Paige and Detective Murphy were in the interrogation room talking to Arthur Culombe.

Q. And what did you do? A. I entered the room after they had been there some time.

Q. And when you entered the room what occurred?

A. I talked to Culombe.

Q. Did the others remain, the other two, Murphy and Paige? A. They did.

Q. And what was the talk while you were present?

A. Culombe agreed to—

MR. McDONOUGH: I object to what Culombe agreed to. That's a conclusion.

THE COURT: I will sustain it. It may go out.

MR. BILL: I don't claim it.

Q. What did he say or you say, rather than agreed?

A. Culombe said that he would take us to his home and show us a gun, and I instructed Detective Murphy, Sergeant Paige, Detective O'Brien to accompany us, and enroute to Culombe's home . . 20 Coleman Drive I was talking to Culombe and he started to admit—

MR. McDONOUGH: I move to strike that out, "He started to admit."

MR. BILL: I don't claim it.

THE COURT: It may go out.

A. He told me in the presence of the others, as a result of my questioning, that he was involved in the New Britain killings. I immediately asked Detective Murphy to take the wheel and permit Detective O'Brien to take shorthand notes on this conversation.

Q. And had O'Brien been driving up to that point?
A. He had been driving the car.

Q. And whether or not a change was made?
A. It was.

Q. And whether or not notes were made?
A. They were.

Q. By Detective O'Brien? And whether you can—that's withdrawn. Will you recall to the best of your ability, regardless of the notes of O'Brien as to what you remember of the conversation there in the car from that point on?

A. Arthur Culombe said that he and Joseph Taborsky were riding to New Britain the night of December 15th. The weather was bad and the roads were slippery. They were searching for a place to hold up and they passed a gas station and Taborsky told him to turn around, that they would take that station, and that Culmobe, who was driving his Oldsmobile, 1949 Oldsmobile, turned around and drove into the station and that an attendant came out and served him with some gasoline and that Taborsky went—

MR. BURKE: I am going to object to this, Your Honor please, as not admissible.

THE COURT: I will overrule the objection.

MR. BURKE: May I have an exception.

THE COURT: Surely, go ahead.

A. Taborsky went inside the station and Culombe paid the attendant two dollars and then Culombe remained outside while Taborsky put a gun on this man and brought him into a room with a lot of cans and a boiler, I believe he thought, and that Culombe said that he heard a shot and only Taborsky came ont of this room. Taborsky started to search the gasoline station drawers and cash register when a car drove up in which was a man and he thought a little boy, and Culombe made an attempt to service this car, act like a station attendant. Taborsky came out and asked him if he was crazy, that this man would have his marker number, and Taborsky, according to Culombe, put a gun on this patron, brought him into the men's room in the station, and he heard two shots.

MR. BURKE: Your Honor please, may the record show my objection on all of this testimony?

THE COURT: It may, and it is not being admitted against Taborsky at all. Whatever relevance it has it is on the question of the admissibility of Exhibit Z for identification.

MR. BURKE: May I have an exception, Your Honor?

THE COURT: Surely. Go right ahead.

A. They both—Taborsky came out of this men's room alone and they both searched the station and left.

THE COURT: I want to have the last part of that answer read, but I will wait until Mr. McDonough finishes his errand.

MR. McDONOUGH: Thank you, Your Honor.

THE COURT: I want to have about the last half of that read.

(Testimony repeated by reporter as follows: "Culombe made an attempt to service this car, act like a station

attendant. Taborsky came out and asked him if he was crazy, that this man would have his marker number, and Taborsky, according to Culombe, put a gun on this patron, brought him into the men's room in the station and he heard two shots.")

Q. Anything other than that, Lieutenant?
A. We continued on to Culombe's home—

Q. Does that finish the statement concerning the New Britain matter? A. That I can recall right now.

Q. And all during this time you were traveling along towards Culombe's house, is that right? A. Yes sir.

Q. And ultimately you reached there? A. Yes, sir.

Q. And anybody there when you got there?
A. Mrs. Culombe.

Q. And what did you do, and the others?
A. We went to the bathroom of that home as pointed out to us by Arthur Culombe.

Q. When you got there did he point out some things there? A. He said that he had hidden behind the medicine cabinet a brief case in which we would find a gun and blackjacks.

Q. And what did you do, if anything?
A. I had him removed from the room and with the assistance of another officer I removed the medicine cabinet and found a brief case there that contained a gun and blackjacks.

Q. What did you do—before I get there, what do you mean, it came from in back of the cabinet?
A. The medicine cabinet was removed completely and in the wall I removed this brief case.

Q. The wall was hollowed out, was it? A. Yes, sir.

Q. What did you do after that? A. I took possession of these items, continued to search through the home and in a little tin box in a safe compartment of the high boy in Arthur Culombe's bedroom I found some pistol grips, revolver grips, black, a cylinder pin, a main spring and a screw which would fit these revolver grips. I took possession of them.

Q. Then what did you do? A. We left the house and Culombe took us to a lot, a swamp, at the intersection of Newfield and Reed, I believe, I am not certain of the street—where he told us—it isn't Reed. It is off Newfield Street. The name will come to me where he told us that he threw the two guns that Taborsky used on the New Britain job. An officer was stationed there with instructions to—

MR. McDONOUGH: I object to the instructions to the officer.

MR. BILL: I don't claim it.

THE COURT: It may go out.

A. He then took us to the intersection of—the corner lot of Reed Street and Newfield, I believe, where he pointed to a swamp and he said "You will find the raincoat that Taborsky used, in that swamp." Detective Murphy made a bridge into the water and recovered the raincoat.

Q. Go ahead. A. He then took us to Chandler Street, where he said that he threw the wallets and identification papers from the wallets from the New Britain job.

Q. Anything further? A. We went to East Hartford and then—

Q. You went where? A. East Hartford. Then we returned to the barracks, I believe.

Q. Was that on another matter, to East Hartford?
A. Yes, sir.

Q. Something that he had told you about, some other incident? A. Yes, sir.

Q. Nothing to do with the New Britain affair?
A. No, sir.

Q And then you returned where? A. To the barracks.

Q. And who was with you other than the police officers? Arthur Culombe, was he there? A. Yes, sir.

Q. Mrs. Culombe? A. No, sir.

Q. And about what time did you get back to police headquarters? A. Probably shortly after six or thereabouts.

Q. And what did you do at that time?
A. I took him to Major Riemer's office, where Commissioner John Kelly was at the time, and Culombe repeated the confession of the New Britain job, and others.

MR. McDONOUGH: I move to strike that out.

THE COURT: It may go out beginning with "repeated the confession".

Q. What did he repeat? A. He told—

MR. McDONOUGH: I object to that. It is only the same thing as was stricken out.

MR. BILL: No, I understand that it was stricken because we used the word "confession".

THE COURT: That is correct.

MR. BILL: Now I am asking if he did repeat something. I claim it.

MR. McDONOUGH: I object to it. "What did he say" is the proper question.

MR. BILL: I am not going to let you frame my questions.

MR McDONOUGH: Of course the State's Attorney isn't, but the proper question is, "what did he say?"

THE COURT: Read the question, Mr. Burke.

(Question repeated by reporter): "What did he repeat?"

THE COURT: I will allow it. Go ahead, Lieutenant.

A. He repeated his statement made to Detective Murphy, Detective O'Brien, Sergeant Paige and myself earlier.

MR. McDONOUGH: I object to that and move to strike it out.

THE COURT: I will strike it out.

Q. You have just told us what was said by Culombe in your presence? A. Yes.

Q. On the way down to Culombe's house, whether or not that was repeated?

MR. McDONOUGH: I object to that.

MR. BILL: I claim it.

THE COURT: I will allow him to answer it "yes" or "no".

THE WITNESS: Could I have that question?

THE COURT: Read it, Mr. Burke.

(Last question read by reporter.)

A. It was.

Q. And after you—that's withdrawn. Ultimately you left the presence of Commissioner Kelly and Major Riemer, did you not A. Yes, sir.

Q. And where did you go then? A. I think that we had supper and then went upstairs to the barracks.

Q. Does "we" include Culombe? A. That's who I have reference to, yes, sir.

Q. Now, after supper what took place? A. I believe we reduced to writing the statements that Culombe had made previously.

Q. Well, now, as I understand it, going to New Britain he had talked about the New Britain affair?
A. Going to—

Q. Going to Culombe's house? A. Yes, sir.

Q. Had it been pretty well confined to that? Let me put it this way. All during the time when you left the police headquarters to go to Culombe's house, until you returned to headquarters, was there anything other than the New Britain affair discussed with Culombe? A. Yes, sir.

Q. And you returned you said you had supper and had all these incidents which had just been covered with Culombe—the new talks with Culombe—or was that continued? A. They had been touched on—probably not fully covered. I am of the opinion they were continued then in detail for the sake of separate statements covering each incident.

Q. Did you ultimately have several written statements from Culombe that evening covering all of these matters? A. That night and into the morning.

Q. And when would you say that started—the question and answering for the purpose of written statements

—that is, covering all the incidents regardless of which started first? A. Eight or nine p.m.

Q. Now, did you ultimately question Culombe for the purpose of a statement concerning the New Britain affair? A. Yes, sir.

Q. Did he make a written statement concerning the New Britain affair? A. He made a statement covering it.

Q. Just answer the question, please. A. Yes, sir.

Q. I show you State's Exhibit Z-1 and ask you if you recognize that—look at the signatures and look it over? A. Yes, sir.

Q. What does that represent? A. That is a statement we took from Arthur Culombe that night.

Q. And that covers what? A. The New Britain affair and the Leone shooting.

Q. Confined to those two on that statement? A. Yes, sir.

Q. They are both covered there? A. Yes, sir.

Q. And what time did that start? A. That started —the reading and the writing until ten-fifty-five p.m.

Q. Who reduced it to writing? A. Detective O'Brien.

Q. How was it done — in what manner? A. I would ask Arthur Culombe what he did when he first left his house, with whom he was with, and so forth, and he would answer and I would try to get it in a statement form to express that which he was trying to tell us, and Detective O'Brien would type that up and then I would ask him another question.

Q. You did this piece by piece and he put it on the typewriter? A. Yes, sir.

Q. That is Culombe's signature in your presence on Exhibit Z-1 for identification? A. Yes, sir.

Q. Now, do you recognize State's Exhibit Z for identification? Look that over. A. Yes, sir, I did.

Q. What is that? A. That is a statement that was taken from the original—State Exhibit Z.

Q. Z-1? A. Z-1, leaving out the Leone affair.

Q. How did that come about? A. I instructed Policewoman Doris Murtha—

Q. Before that, what had you done with State's Exhibit Z-1 for identification, which is the Leone and New Britain statement? Had you shown that to somebody? A. I showed it to Major Riemer.

Q. Without giving us the conversation, as a result of your talk with Major Riemer, did you do something? A. Yes, sir.

Q. What did you do? A. I had the two crimes separated on a paper.

Q. Did you supervise the separation or did you direct somebody? A. I directed someone, yes.

Q. Who did you direct? A. Policewoman Doris Murtha.

Q. And she is a typist? A. Yes.

Q. A stenographer? A. She is a Policewoman and she knows how to operate a typewriter.

Q. When was State's Exhibit Z actually done, do you know, by Miss Murtha—that is, this later one? A. That was done the following Sunday, I believe.

Q. I think you said the purpose was to separate the crimes? A. Yes, sir.

Q. Whether or not you also compared Exhibit Z, and after Z-1 for identification, as to whether that Exhibit Z is an exact copy of the New Britain affair, and if it is, it is drafted in that particular form? A. I compared it. It contains the material information given to us by Culombe. There were some changes made in this — the time, for instance—we tried to figure the time he started to talk about the affair in New Britain and get the accurate time on it in the statement.

Q. You got one time given you in the version of the Leone affair where it talked about when they went to the Leone place—an hour or an hour and a half later he says he went to the place. You couldn't use Leone's name so you used seven or seven-thirty o'clock, is that right?

A. Yes.

Q. That was your purpose in eliminating the word Leone? A. Yes.

Q. And that was for court purposes? A. Yes, sir.

Q. Was there any other change made for that same purpose? A. The time it was taken—12:30 a.m. The original time, I believe, had ten fifty-five p.m.

Q. On February 27th? A. Yes.

Q. And that is correct as you look it over—showing you Z-1 for identification? A. Yes, sir.

Q. How come that date — on Z — February 28th? Twelve-thirty? A. We approximated the time when he started to talk about the two affairs and started to type it around 10:55. When he got to the New Britain affair we approximated the time as 12:30 a.m.

Q. In other words, when you were preparing that Z you estimated the time the Leone affair commenced as from 10:55 to 12:30 and you changed that? A. Yes.

Q. And then you commenced at 12:30 on February 28th on the New Britain affair? A. Yes.

Q. And you were talking to the man for sometime before that?
A. Yes.

Q. Does that explain the time on the first one—Z for identification? A. Yes.

Q. How come that 8 is in pen? A. Well, of course, we had gone into another day, and reading back we started at 12:30 a.m. and we would have to change that to an eight —on that February.

Q. And who changed that, did you? A. Doris Murtha.

Q. When was that Z for identification completed, if you remember, that day—Sunday? A. It was typed—the typing was completed by Miss Murtha that day.

Q. On March 3, Sunday? A. Yes, sir.

Q. And did you take possession of it? A. Yes, sir.

Q. And did you do something with it? A. I did, I took it to the Hartford County Jail.

Q. Were you accompanied by anybody? A. Detective O'Brien.

Q. And when you got there did you see somebody?
A. I talked with Culombe.

Q. What did you say to him? A. I showed him —explained the statement.

Q. Wait a minute, when you say that—what do you mean? A. Z.

Q. Z-1? A. No, Z.

Q The new one? A. Yes.

Q. Tell us in your own way? A. I told him I had taken the crime committed in the Leone matter and from that separated it and this statement which was contained about the New Britain crime. I read it aloud to him and he agreed it was substantially the same. Then I asked him to sign it and he did.

Q. In whose presence was it signed? A. Detective O'Brien.

Q. And yourself—you appear there as a witness? A. Yes.

Q. Is that Arthur Culombe's signature there taken in your presence? A. Yes, sir.

Q. And did he refuse to sign it at any time? A. No, sir.

Q. Was he hostile or cooperative? A. Cooperative.

MR. BILL: Your witness.

CROSS EXAMINATION BY MR. McDONOUGH:

Q. What time on Sunday did you bring the statement up to the jail to change it? A. I am of the opinion it was sometime in the afternoon.

Q. About what time? A. I don't believe I took it up on Sunday. I think it was Monday. It was brought up sometime in the forenoon.

Q. Then your testimony was incorrect when you said Sunday. You say now you went on a Monday. You were wrong when you said it was on Sunday? A. I don't know—my intention—

Q. You don't remember that you said it was Sunday? A. I don't recall.

Q. Can't you remember your testimony back that far? A. I meant to say—

Q. Don't you remember your testimony of just a couple of moments ago? A. To the best of my recollection I said Monday.

Q. You said Sunday. Do you want to change it?

MR. BILL: I suggest it be read back.

MR. McDONOUGH: Yes, may we refer to the record.

THE COURT: Yes, read back the questions and answers that had to do with the typing in the afternoon, whether it was on Sunday or Monday—and we can find out what happened.

(The reporter read back the witness's testimony on direct examination.)

THE COURT: Apparently he didn't say either.

Q. It was Monday—what time on Monday?
A. Sometime in the afternoon.

Q. You knew then he had a Court appointed attorney, didn't you? A. I was aware that he did.

Q. You had talked to his attorney, hadn't you?
A. Yes, sir.

Q. And you talked to him on Sunday afternoon?
A. Yes, sir.

Q. Didn't he tell you and Captain Schwartz and Mr. Matus in the Captain's office on Sunday afternoon to let Culombe alone and transfer him to the County Jail and not to bother him anymore? A. I don't take my orders from Mr. McDonough.

THE COURT: Please, Lieutenant, don't let me caution you again. Don't encourage me to lessen the attendance in the courtroom. That answer may go out. Read the question.

(The reporter read the question.)

THE WITNESS: Yes, sir.

Q. You transferred him to the jail, didn't you?
A. Yes.

Q. I told you to release him and transfer him to the jail and that I was one of the attorneys appointed by the Court? A. Yes.

Q. And you knew it was my right to tell you to do that? A. Yes.

Q. But you didn't let him alone. You went up there to the jail and had him sign a paper? A. Yes.

Q. And in violation of my order you had him sign a paper now being offered in evidence?

THE COURT: It is pretty clear what he did.

MR. McDONOUGH: Yes, Your Honor.

THE COURT: Why go into it?

MR. McDONOUGH: I want the record to show that this paper which they seek to introduce as a confession was done without my knowledge and in deliberate violation of his attorney's instructions.

THE COURT: But that is in the evidence as of now.

MR. McDONOUGH: May I have an answer?

THE COURT: No, I will sustain the objection.

Q. Why did you do that when I asked you not to?
A. I was doing my duty to the people of the State of Connecticut.

Q. Didn't I tell you and Captain Schwartz and Mr. Matus that this man had certain rights and among them he

was not to be asked any more questions? A. Not in those words.

Q. What did I say? A. You want this man transferred to the County Jail and that request was complied with almost immediately.

Q. And what else? A. You didn't want him bothered anymore.

Q. What else? A. That is all I recall.

Q. Don't you call that bothering him? A. No, sir.

Q What did you consider I meant by not bothering him anymore? A. Not to interrogate him any further.

Q. Yes? A. I guess that is all.

Q That is all you thought I meant. You didn't ask my permission to have him sign that paper? A. No.

Q. You recognized the fact that he had rights that I represented him and that is the reason you asked by permission to have him brought back here? A. You were present there at that time.

Q. You asked my permission and I gave it to you? A. Yes.

Q. To do that one thing. A. Yes.

Q. I told you otherwise to let him alone? A. Not to bother him.

Q. Didn't you try to get my agreement to have him let out of the County Jail, saying he was afraid of Taborsky and he would be brought to headquarters here?

THE COURT: I don't think you mean that.

Q. Didn't you try to get me to agree to have him remain at State Police Headquarters? A. No, I may

have suggested it because Mr. Culombe wished to do it that way—remain at the barracks rather than at the jail.

Q. Didn't I say to you get him up to the jail where he belongs? A. Yes.

Q. And you told me you would comply with my request? A. I did.

Q. Why didn't you tell me about that statement? A. I didn't think it was necessary.

Q. I was his lawyer? A. Yes.

Q. And you knew that? A. Yes.

Q. I told you I was appointed by the Court and you were aware of that. How long have you been in Police work? A. Better than nineteen years.

Q. How long have you been in the Detective Division? A. About seventeen years.

Q. And with that background of experience you want to say you did not know it was necessary, knowing what you knew of my standing in the case? A. I felt then and feel now it was not necessary.

Q. You do. That is in line with all of the conduct you used in obtaining this so-called confession of Culombe.

MR. BILL: Objection.

THE COURT: Sustained.

Q. You have disregarded all the known rights of the defendant here from the time you took him into custody? A. That is not the truth.

MR. BILL: Objection.

THE COURT: The answer is in and I will let it stand.

Q. But he asked for an attorney for five days?
A. He didn't ask for an attorney for five days.

Q. Lieutenant, you testified that he asked for an attorney on Saturday when you picked him up? A. That is right.

Q. And asked for an attorney the day after?
A. No, sir.

Q. And he didn't get one? A. He didn't ask for one.

Q. He didn't get one? A. He didn't ask for one.

THE COURT: This argument isn't doing me any good. When you are asked a question just answer it unless you don't understand it and then let us know.

Q. He asked for an attorney on Saturday and did not get an attorney until one was appointed by this Court, isn't that correct? A. That is correct.

Q. When he did get an attorney appointed by this Court you continued to disregard the attorney in the case in obtaining a signature to statements? A. Yes.

Q. First, you disregarded getting an attorney and then you disregarded the attorney himself?

MR. BILL: I object.

THE COURT: I will sustain it.

MR. McDONONGH: If your Honor please, that goes to the admission of this so-called confession. I claim it.

THE COURT: I sustain the objection.

Q. Lieutenant, you had a reason for not asking me if he should sign that statement? A. I think I did.

Q. What was the reason? A. I could do better without you.

Q. What do you mean by that? A. The man was cooperative. He showed his intention to cooperate and stated so in this courtroom. I needed his cooperation and got it.

Q. You were afraid if you asked me you wouldn't have got the statement, isn't that true? A. I had my ideas along that line.

Q. That he wouldn't sign this offer Z? A. I felt you would say no.

Q. Now, this State's Exhibit Z for identification was typed on Sunday by Miss Murtha? A. Yes, sir.

Q. And that was taken from the larger statement which was State's Exhibit Z-1, wasn't it? A. Yes.

Q. And the mistake that it was made on Sunday and inked over and the date changed from seven to eight. Was that mistake made while it was being typed? A. No, I think it was corrected after it was removed for the typewriter when it was realized.

Q. The mistake was made on Sunday—that is what I am driving at. How much time did you spend at the jail when you brought State's Exhibit Z up to Culombe to be signed? A. I don't know—I would consider about half an hour.

Q. About half an hour, Lieutenant? A. Probably about half an hour.

Q. And Detective O'Brien was with you?
A. Yes, sir.

Q. Now, in the statement, State's Exhibit Z he did —question withdrawn. Did Culombe tell you that they went into the New Britain gas station at about seven or seven-thirty p.m.? A. That is my impression, yes.

Q. Did you say anything to him about that time being wrong, before he signed the statement, either Exhibit Z or Exhibit Z-1? A. I may have asked him to give that time element more thought.

Q. Well, did you? A. I have no definite recollection of that now.

Q. Don't you know as a matter of fact the shooting took place before six o'clock? A. I was informed.

Q. When were you informed of that? A. When I first started this investigation, on December 18th.

Q. And as a matter of fact you know, don't you, that the shootings did take place at about six o'clock, that the bus driver came on the scene at about five after six? You know that as a fact, don't you? A. Yes.

Q. And yet you have in the statement signed by Culombe that they went into the gas station at seven or seven-thirty p.m. A. That's the statement that he gave me.

Q. That's the statement that he gave you?
A. Yes, sir.

Q. Now, why didn't you straighten him out on it. You knew better, didn't you? A. This was his statement, Mr. McDonough. Not mine.

Q. That was his statement? I thought it had been testified here that this statement was built up from things that he told you and you put in your own words?
A. That is correct—pardon me—

Q. These are not—

THE COURT: Wait a minute, Mr. McDonough. Did you want—

THE WITNESS: I answered that before I heard the last part. May I have it read?

THE COURT: Read it, Mr. Burke.

(Last question read by reporter.)

A. Yes, to express what he had in mind.

Q. Your language, summarizing what he told you, that is what it amounts to, isn't it? A. Yes, sir.

A. I don't know, but it would have been around midnight, of February 27th.

Q. Was it between, say, twelve and twelve-thirty, between twelve and one o'clock? A. It was around midnight.

Q. I think that Sergeant Paige testified, as far as he could remember, about 12:30. There wouldn't be too much of a difference between you two men, would there, on that? A. There could be. This is the best of my recollection. Yes.

Q. Now, that was the aftermath of a conversation that Culombe had with Detective Murphy and Sergeant Paige, wasn't it—that is the trip to Culombe's house?

A. I don't understand that question.

Q. Sergeant Paige and Detective Murphy were talking to Culombe in a room in State Police Headquarters, weren't they? A. Yes, sir.

Q. When you first came into the picture?

A. Yes, sir.

Q. About two-thirty or three you entered the room where Sergeant Paige and Griffin were talking to Culombe, as I have copied your testimony? A. Yes, sir.

Q. And Culombe said that he would take you—that is take the police to his home and show you a gun or guns, is that correct? A. It is.

Q. And then you went to his home? A. Yes, sir.

Q. Now, what time did you get to his home?
A. Shortly before four.

Q. And who was in his home on Coleman Drive when you got there? A. Mrs. Culombe, and I believe their youngest daughter, Sandy.

Q. And how old was Sandy? A. I am told that she is about five years old.

Q. Sandy was sitting on the couch, is that true?
A. I don't remember.

Q. Well, she was in the livingroom? A. I wouldn't remember that.

Q. Well, were all the people gathered together in the livingroom with the exception of the time that you men were searching for guns and blackjacks or weapons?
A No.

Q. There was a conversation between Culombe and Mrs. Culombe, wasn't there? A. There could have been.

Q. Well, if there was a conversation you would have heard it, wouldn't you? A. No. I was busy in the other part of the house.

Q. Was Miss Murtha on that trip with you?
A. No, sir.

Q. Was Miss Murtha present at any conversations between Mrs. Culombe, his wife—between Mrs. Culombe, Culombe and yourself? A. I am of the opinion that she was present at every time when I talked with Mrs. Culombe.

Q. When you walked into the room on Wednesday afternoon where Sergeant Paige and Detective Murphy were talking to Culombe, how did he appear to you?
A. Will you explain that question? I don't understand it.

Q. I mean, physically and mentally, how did he look? How did Culombe look to you when you walked in when Detective Murphy and Sergeant Paige were talking to him?

A. I still don't understand your question.

Q. Well, wasn't he upset, nervous? A. He was nervous.

Q. Were you there during any of the questioning by Sergeant Paige or Detective Murphy? A. Yes, sir.

Q. How long a period of time were you there?

A. Fifteen or twenty minutes.

Q. Did you hear Culombe ask for Mr. Bill?

A. No, sir.

Q. Well, did you hear him say anything about Mr. Bill?

A. He said—he told me that he would like to get a copy of the statement, of his statement, to Mr. Bill to show his cooperation.

Q. Who told you that? A. Arthur Culombe.

Q. Didn't Arthur—well, Culombe did talk to you then, about seeing the State's Attorney, didn't he?

A. Not seeing the State's Attorney. About the State's Attorney being aware of this cooperation.

Q. Wasn't there talk between yourself and Culombe about Mr. Bill, and then it went on to the fact of bringing a representative of the State's Attorney's office over to State Police Headquarters? A. No, sir.

Q. A representative of the State's Attorney's office did come to State Police Headquarters, didn't he?

A. He did.

Q. When the statement was being taken? A. That was later in the day, yes, sir.

Q. That was Mr. Matus? A. That's right.

Q. And how did he happen to come to State Police Headquarters? A. I phoned him, phoned his office. I wanted to let him know the progress that we were making on the case, and invited him in.

Q. Then there was a conversation that was started by Culombe about the State's Attorney's office, and after that conversation a representative of the State's Attorney's Office did come into the room? A. Not as a result of it.

Q. No, but I said after. After that conversation a representative did come into the room? A. Later in the day.

Q. Yes? A. Yes, sir.

Q. And it wasn't Mr. Reardon, was it?
A. It was not.

Q. Mr. Reardon's name was mentioned by Culombe, though, wasn't it? A. It could have been, Mr. McDonough.

Q. Didn't Mr. Culombe say that he knew Mr. Reardon, that he respected him and that he wanted Reardon if Mr. Bill couldn't come over? A. No, sir.

Q. Didn't Lieutenant Paige come to you and tell you that Culombe, before he would make a statement, wanted Mr. Bill? A. No, sir.

Q. Didn't Sergeant Paige tell you anything about a request that Mr. Bill look at the statement—a request being made by Culombe? A. No, sir. I talked with Culombe and the request was that he not be confined in the same jail with Taborsky if he cooperated.

Q. Now, Lieutenant, the question was about Mr. Bill. Not about Taborsky.

MR. McDONOUGH: May the last question be read, Your Honor?

THE COURT: The last question may be read, Mr. Burke.

Q. (Repeated by reporter) "Didn't Sergeant Paige tell you anything about a request that Mr. Bill look at the statement—a request being made by Culombe?"

A. No, sir, I don't recall that, Mr. McDonough.

Q. In other words, you don't know whether or not Culombe talked it over with Sergeant Paige before you came into the room, do you? A. I do.

Q. Oh, you do know that Culombe talked about Mr. Bill to Sergeant Paige? A. That wasn't your question.

Q. It is now. A. Which one do you want me to answer?

Q You did answer the other. You said "I do." You do know that he talked to Sergeant Paige about Mr. Bill?

A. I didn't answer that question yet, Mr. McDonough. I answered the previous question.

MR. McDONOUGH: May the question before this be read?

THE COURT: Read it, Mr. Burke.

(Repeated by reporter.) "In other words, you don't know whether or not Culombe talked it over with Sergeant Paige before you came into the room, do you?"

Q. You do know?

A. I could listen and hear what was going on, and I know that there wasn't. I don't remember any such conversation.

Q. You didn't hear any such conversation?

A. That's right.

Q. Did Sergeant Paige tell you that Mr. Bill's presence was desired by Culombe? A. No, sir.

Q. Did Sergeant Paige tell you that Mr. Bill had been discussed by Culombe before he signed the confession? A No, sir.

Q. Sergeant Paige has testified, Lieutenant, that a request regarding Mr. Bill was made to him. Do you know of that request having been made to him? A. No, sir.

Q. But anyway, you did do something as a result of Mr. Bill's name being mentioned, didn't you? A. No, sir.

Q. Didn't you leave the room for a while and return and tell Culombe "I don't know how to go about this, I tried to get him on the phone and I went over"—meaning over here—"but he is not there." Didn't you say that to Culombe? A. No, sir. That is not the truth.

Q. That is not the truth that you tried to get the State's Attorney on the phone, is it? A. That also is not the truth.

Q. And it is not the truth that you came over to this building to see if the State's Attorney was here, did you?
A. I never came over to this building for that purpose.

Q. Did you come over to this building?
A. Subsequently, for court, for trial hearing, yes.

Q. That afternoon? A No, sir.
Q. I am not talking about a trial. A. The answer is "no".

Q. You didn't come over to this building at all that afternoon? A. That is right.

Q. Or that night? A. That is right.

Q. All of this reference to Mr. Bill, the questions and answers and talks, took place before you left the barracks to go to Culombe's home, that's so, isn't it? A. Yes, sir.

Q. And then when you got down to his house, Culombe's house, Culombe talked to his wife, didn't he?

A. I want to correct that previous answer, in relation to Mr. Bill, I don't know of any. That's what you are telling me.

THE COURT: No, don't bother telling him what he is telling you. Just answer the question. Do you want to correct your answer to that?

THE WITNESS: I would like to have the question read.

THE COURT: Will you read it, Mr. Burke?

MR. McDONOUGH: There is no question pending Your Honor.

THE COURT: That is true, but there was the question which was asked about all this conversation and what not taking place before they left the barracks, and he answered, and he indicated a desire to either clarify or correct that answer. If he wants to he may do it. Read the question, Mr. Burke.

(Question repeated by reporter) "All of this reference to Mr Bill, the questions and answers and talks, took place before you left the barracks to go to Culombe's home that's so, isn't it?

THE COURT: Will you answer that now?

A. I can't. That has to be broken down.

THE COURT: Go ahead.

Q. Did it take place after you left Culombe's home?

MR. BILL: I object, Your Honor, because I don't think that it is definite, and what the witness is bothered about is what he means by these stories. Are they the ones that Mr. McDonough has asked about, which he has denied, or the one that he admits was made?

MR. McDONOUGH: I wasn't even on this, Your Honor. He went and dug up this old potato.

MR. BILL: No, you asked the question and he is correcting it.

MR. McDONOUGH: He asked me. He wanted it read.

THE COURT: Mr. McDonough, you are addressing the Court, I take it.

MR. McDONOUGH: I am sorry.

THE COURT: I wasn't in on the conversation.

MR. McDONOUGH: I was looking at the State's Attorney but I was addressing the Court.

THE COURT: You may proceed with your examination in any way you see fit.

Q. When did you talk about the State's Attorney?
A. Sometime after I entered that room Arthur Culombe said that he would like a copy of his statement shown to State's Attorney Albert Bill.

Q. It was before you left the room to go to Coleman Drive, wasn't it? A. Yes, sir.

Q. That clear it all up. A. Yes, sir.

Q. Are you satisfied? A. Now I am, yes, sir.

Q. Now, we will go to his home. What did Culombe say to his wife when he went into the house?
A. I don't know.

Q. He did say something to her? A. It would be the usual thing. I don't recall now anything that Mr. Culombe said at that time.

Q. Possibly I can refresh your recollection. Did he say to his wife "This is one reason I am telling things now, so they won't be bothering you any more"?

A. No, sir.

Q. Well, if he did say such a thing you knew that he had reason to say it? A. No, sir, he would have been corrected if he said any such thing.

Q. What? A. He would have been corrected if he said any such thing.

Q. He would have been corrected? A. Yes, sir.

Q. Were you in the habit of correcting him when he said things you didn't feel—

A. I wasn't bothering her. Mrs. Culombe was not bothered.

Q. I didn't say you were. I asked you whether or not he made any such statement as that?

A. No, sir, he did not.

Q. He did not? You didn't hear everything that he said, did you? A. No, sir.

Q. So he could have said it and you didn't hear it, isn't that so? A. He could have said it.

Q. Then when you just said that he didn't say any such thing— A. Within my hearing.

Q. Within your hearing? But you won't say that he did not say that to his wife, will you?

A. Not within my hearing.

Q. But you will not say that he didn't make that statement to his wife?

A. I will go along with you on that.

Q. You will?. He didn't make that statement?

A. I will say I don't know whether or not he made such a statement to his wife.

Q. Then he might have, so far as you know?

A. So far as I know.

Q. And you do know that it is a fact, don't you, Lieutenant, that once he did make the statement and signed the statements, that his wife was not annoyed as much as she was before? That is a fact, isn't it?

MR. BILL: Objection.

MR. McDONOUGH: I will withdraw it, because a word—I think that word makes it inadmissible.

Q. You do know that after he signed the statements that his wife and children were not brought to police headquarters, don't you? A. That is a loaded one.

Q. What did you say? A. That is a loaded one. I can't answer that "yes" or "no".

Q. What do you mean, that is a loaded one?

A. I can't answer that "yes" or "no".

Q I don't understand the statement "That's a loaded one". A. I don't understand your question.

Q. That is a loaded one? A. Yes.

Q. What's a loaded question? A. It has two meanings.

Q. You mean it is like the one "Have you stopped beating your wife?" You mean it is like that?

A. I didn't think of it along that line, but it is a question in my opinion that has a double meaning. I couldn't answer it.

Q. It is a fact, Lieutenant, isn't it, that Mrs. Culombe wasn't brought to State Police headquarters after Culombe signed the statement admitting his implication in the New Britain killings A. I don't know, sir.

Q. Do you know that she was brought to headquarters after he signed the statements? A. Yes, I am of the opinion she was.

Q. How many times? A. At least once.

Q. Probably more often? A. Yes.

Q. But she wasn't so brought after the statements were signed to police headquarters as often as she was before it was signed, was she? A. I can't answer that question.

Q. Why not? A. Because I didn't say she was brought many times before Culombe made the statement

Q. Was she brought many times before he made the
A. On Tuesday was the first time she came to the station.

Q. When was the second time? A. Wednesday Thursday or Friday.

Q. You mean at least twice? A. I said Wednesday, Thursday or Friday.

Q. She came on Wednesday, Thursday and Friday?
A. Wednesday, Thursday or Friday, Mr. McDonough.

Q. You know she came on one of those three days?
A. Yes.

Q. But you don't remember the day? A. No.

Q. So that after the so-called confession was signed you knew she came? A. Yes.

Q. I asked you how many times before the confession? A. Once.

Q. She came once? A. That is to the best of my recollection.

Q. You are not forgetting, are you? A. That is my best recollection.

Q. Would you say she didn't come on Sunday or Monday? A. Yes, sir. I am of the opinion the first time she came was on Tuesday.

Q. Could you be wrong? A. I doubt if I am wrong on that.

Q. To the best of your recollection? A. Yes.

Q. And your recollection is good? A. I feel it is.

Q. She came once, and that was on Tuesday?
A. Yes, sir.

Q. That night was the thirteen or fourteen year old girl there with the mother? A. I don't know.

Q. She was there with the mother?
A. Yes, she was.

Q. There was one particular occasion where that thirteen or fourteen year old girl came with the mother—the two of them were there together, that's right?
A. There may have been the three of them.

Q. There was one occasion where the older girl and the younger child and the mother were there together?
A. On one occasion the three of them were there.

Q. That was the night you and Culombe had the trouble? A. I never had trouble with Mr. Culombe.

Q. The question was did you have trouble that night?
A. No, sir.

Q. What night was that? A. I never had trouble with Mr. Culombe.

Q. What night was it Mrs. Culombe and the two children were there? That was the question. A. I don't know.

Q. Your memory is pretty good on a lot of other things, but you don't know. All right. Was it Tuesday night? A. I would have to check the hospital records. The night they were there the child had the mumps and I instructed the policewoman to take the child to the hospital.

Q. Did she take her? A. She did.

Q. That night? A. I don't know the night. The hospital record would reflect that.

Q. That night you told the policewoman to take the child to the hospital and she did? A. Yes.

Q. That night you instructed your policewoman to take the child to the hospital—that night? A. Yes.

Q. Don't you know that was Sunday after he signed the statement? A. I don't know.

If that is shown on the hospital records, will you go along with it? A. If I could see the hospital records that would refresh my memory.

Q. You know that I wasn't there that night, don't you? A. I have no recollection of having seen you there.

Q. I wasn't there from Saturday until Wednesday night until the confessions were signed early Thursday morning? A. Not to my knowledge.

Q. The first time I was ever on the scene was the following Friday in the afternoon. A. I was told that.

Q. You saw me on a Sunday—the afternoon you

went around to get his statement without telling me?
A. Yes.

Q. But how is it you have such a poor memory on these matters I ask you about, such as the day the baby went to the hospital, and I am able to ask them and I wasn't there?

MR. BILL: Objection.

THE COURT: Sustained.

Q. Do you think I might be able to ask you these questions if somebody didn't tell me? A. Or that he was lying.

Q. Do you think he is lying about the baby going to the hospital on Sunday? A. I don't know.

Q. Will you say that Mrs. Culombe was not at State Police headquarters on Monday? A. Monday the 25th? I don't remember seeing Mrs. Culombe at State Police headquarters.

Q. What was the night you remember Mrs. Culombe and the children being there? A. Sometime in the middle of the week.

Q. Was it the night he signed the statements? A. I don't know.

Q. Well, the night he signed the statements was what night? A. Wednesday night.

Q. And you don't know whether Mrs. Culombe was there that night with the children? A. Mrs. Culombe had nothing to do with the signing of the statement.

Q. Mrs. Culombe was not in any room with you and Mr. Culombe on the night of the signing of the statements?
A. No, sir.

Q. There was only you and Detective O'Brien and Sergeant Paige, and who else? A. Detectives Murphy and Matus.

Q. That night was right in the middle of the week and she wasn't there, was she? A. I tell you I don't know what night it was.

Q. You don't know right now what night?
A. No, I don't.

Q. It was Tuesday night, wasn't it—the night he went up to the jail? A. Mrs. Culombe was there on Tuesday night.

Q. We agree on that, but we are talking about the children. They were there the night she was there?
A. I said I am of the opinion she was there more than once.

Q. Before the statements were signed? A. Before and after.

Q. Did she take the children up to see Culombe after the statements were signed? A. It was at the mother's request.

Q. They were up there Tuesday night with the mother, weren't they—the night before he signed the statements? A. That Tuesday night I remember Mrs. Culombe accusing her husband and accusing Taborsky of these crimes. Certainly the children were not there.

Q. No, that was Monday night, wasn't it? A. No, that was Tuesday night.

Q. She was up there three nights before he signed the confession wasn't she? A. I am talking about the children. I remember seeing Mrs. Culombe when she came in the room and accused Taborsky of the crimes and

accused her husband of the crimes. I don't remember seeing the children on Tuesday night.

Q. What night did they come up? A. Some night following that.

Q. They didn't come alone, did they? A. Not to my knowledge.

Q. Wasn't their mother with them then? A. She could have been.

Q. By the way, didn't you take one of those children alone up at headquarters and question them? A. I am of the opinion a statement was taken from the oldest child, yes, sir.

Q. And she was brought to headquarters? A. Yes.

Q. And the statement was taken then? A. That is where it would have been taken.

Q. You brought the children up with the mother—or you brought one child alone and talked to her?

A. That sounds pretty much so.

Q. And you let Culombe know you were doing this, didn't you? A. Intentionally?

Q. Well, intentionally. A. His wife may have been on the premises, but he didn't know.

Q. He was in a position to know? A. Not to my knowledge.

Q. He was being questioned in one room of the barracks and his wife and children were there while he was being questioned, so he was in a position to know?

A. No, I saw Mrs. Culombe and one of the children down in the dining room in the barracks, and Culombe was upstairs in the headquarters building. He couldn't see what was going on.

Q. Well, one Tuesday night before the statement was signed, weren't Sergeant Paige and you questioning Culombe, and you stepped up and opened a door and said to the older daughter, "Honey, come over here and tell your father what you told us"? A. That could be true.

Q. And Culombe was there and heard it, wasn't he?
A. That could be true.

Q. It was true, wasn't it? A. I have no definite recollection of saying that, but the child made a damaging statement against her father.

Q. I don't care what she said, but that did happen is what I asked you? A. It could be true.

Q. Well, it is true, isn't it? If it wasn't say so.
A. I wouldn't say it wasn't.

Q. Little Sandy, the baby, was playing around the floor that night? A. I have no recollection of seeing the child playing on the floor.

Q. And didn't Culombe say to you "How low can you get?" A. No, sir.

Q. Why do you laugh? A. It is a ridiculous statement.

Q. What is ridiculous? A. Culombe saying "How low can you get?" It is a lie.

Q. If he said it, wouldn't he be justified? You said the other day you don't have a temper. You said on the witness stand you had a very even temper.

THE COURT: Let us get back to the evidence.

Q. Are you sure that wasn't said to you? A. It wasn't done.

Q. If it was done— A. It wasn't done.

MR. BILL: I object.

THE COURT: Sustained.

Q. That is the night that Culombe went downstairs crying in his cell? A. I have no knowledge of Culombe crying in his cell at any time.

Q. You were in charge of this investigation?
A. I was.

Q. Didn't you get reports about what went on in your absence? A. I had no report he was crying.

Q. Didn't you get reports as being in charge of this during the course of your investigation? A. Yes.

Q. About everything, didn't you? A. I did.

Q. Didn't you get a report of Culombe's condition in his cell? A. You will have to explain that.

Q. You know what I refer to when I refer to a man's condition—his health, his mental condition, his reactions. Didn't you know about it?

MR. BILL: I object to it.

THE COURT: I will sustain it; we are getting away from the evidence.

Q. Were the reports you say you got on what went on in your absence oral or written? A. The reports I did get were oral.

Q. You got none in writing from the men underneath you? A. Not concerning Culombe. This is all over.

Q. Until the investigation was completed. Do you men in the Statement— Withdrawn. Do the men in the State Police Department make out daily reports of their activities to a superior officer such as the Major or the Commissioner? A No, sir.

Q. To describe the day's investigation? A. I kept my superiors informed verbally.

Q. Did you at any time between February 23 and February 28 make a written report to Commissioner Kelly of the conduct of your investigation? A. Not to my knowledge.

Q. Would you say you didn't? A. No, sir.

Q. You are sure about that. A. Positive.

Q. Did you make one to Major Riemer A. No, other than giving him a copy of the confession.

Q. Well, Sergeant Paige made a report to the State's Attorney. Do you make a written report to the State's Attorney? A. Eventually, yes.

Q. When do you make that report out for him, after the investigation is completed? A. When we felt everything had been done that could be done and should be done.

Q. In that report did you inform the State's Attorney that there was a discussion by Culombe of what Sergeant Paige called a request in regard to the State's Attorney? Did you include that in your report? A. No, sir.

Q. You were making a report to the State's Attorney and you didn't include in it that the defendant who made the statement made a request for him or get notice to him?
A. I didn't know of such a request.

Q. You heard Sergeant Paige testify? A. I heard him, yes.

Q. Then you were not completely informed?
A. Apparently not, Mr. McDonough.

Q. You mean your men were not keeping you informed? A. On important events I believe they were.

Q. Starting right off with the fact that the men were drinking liquor in a State Police cruiser—you didn't learn about that until you got on the stand here? A. That's right.

Q. There were a lot of things about the case you didn't learn until you got in here? A. Yes, sir.

Q. Is that the reason why you can't remember a lot of things here?

MR. BILL: Objection.

THE COURT: Sustained.

MR. McDONOUGH: Have you got that booking of the State Police I requested this morning?

THE COURT: We will take our recess here. Escort the accused from the courtroom. I didn't mean to cut you short, but you might show it to him during the recess.

(Recess at 3:30 P.M.)